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U.S. Congress. Conference Committee, 1917-1918

ADULTERATION OF MIXED FEEDS

HEARING

BEFORE THE

COMMITTEE OF CONFERENCE OF THE
COMMITTEES ON AGRICULTURE AND FORESTRY

UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES

SIXTY-FIFTH CONGRESS

SECOND SESSION

ON

FOOD PRODUCTION ACT, 1919, H. R. 11945

SEPTEMBER 16 AND 17, 1918

Printed for the use of the Committee on Agriculture and Forestry



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ADULTERATION OF MIXED FEEDS.

MONDAY, SEPTEMBER 16, 1919.

UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES,
COMMITTEES OF CONFERENCE OF THE
COMMITTEES ON AGRICULTURE AND FORESTRY,
Washington, D. C.

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill, H. R. 11945, met in the committee room of the Senate Committee on Agriculture and Forestry at 10.30 o'clock a. m., Senator Thomas P. Gore presiding.

Present of the Senate Committee on Agriculture and Forestry: Senators Gore (chairman), Smith of South Carolina, Smith of Georgia, Kenyon, and Wadsworth.

Present of the House Committee on Agriculture: Representatives Lever (chairman), Lee, Candler, Haugen, and Anderson.

There were present also other members of the Senate and House of Representatives.

THE CHAIRMAN. The conference will come to order. Gentlemen, this meeting was agreed upon by Congressman Lever, chairman of the House committee, and myself. We arranged to have a hearing this morning on amendment 30 to the so-called food-production bill, which relates to the interstate shipment of concentrated feeds and is designed to prohibit the alleged adulteration of such feeds.

There have been a number of requests to be heard in opposition to the amendment, and we have agreed to hear this morning those who are opposed to it, letting them state their reasons for their opposition, and then we will possibly hear some on the other side of the question. I might say that Judge George W. Ward, of New York, is here, and I have requested him, as he has made a study of the matter, to assist us somewhat in the conduct of the proceedings.

Mr. Abbott, whom do you desire to have heard first?

Mr. Abbott. Do you wish, Senator, to hear the opponents first, or the proponents?

THE CHAIRMAN. The opponents. The hearing was really called at their instance, Mr. Abbott; otherwise there would not have been any hearing.

I think first, Mr. Abbott, I will ask to have printed at this point a copy of the amendment, so it will appear in the record of the hearing just preceding your statement.

(The amendment is here printed in full, as follows:)

SEC. 26. That it shall be unlawful, except as herein otherwise provided, for any person, firm, or corporation knowingly to ship, offer for shipment, or transport in commerce among the several States or for commerce with foreign countries any concentrated commercial feeding stuffs containing any damaged

feed, mill, elevator, or other sweepings or dust, buckwheat hulls, cottonseed hulls, peanut hulls, peanut shells, rice hulls, oat hulls, corneobs (ground), cocoa shells, clipped oat by-product, ground or unground hulls, screenings, chaff, or other cleanings derived from the preparation, cleaning, or milling of any seed or grain when separated from the standard product as an offal or by-product, or such preparation, cleaning, or milling, humus, peat, sphagnum moss, ivory-nut turnings, ground cornstalks, flax-plant refuse, sorghum pulp, ground or shredded straw or hay, sawdust, cellulose, or dirt, or any other foreign material.

The Secretary of Agriculture is authorized to issue a written permit for the shipment of concentrated commercial feeding stuffs containing a mixture of foreign material which, in his judgment, is inseparable from such prepared feeds or which does not detract materially from its feeding value: *Provided*, That such feeding stuffs in packages or bales be so labeled as to show to purchasers and users thereof specifically the percentage of each ingredient entering into the composition of same; or if such feed stuffs are shipped in bulk in carload lots, then the bill of lading and the bill from manufacturer to purchaser of same shall both show such analysis. The agency distributing to users of such feeds in less-than-carload lots shall deliver to the purchaser of each lot, regardless of quantity sold, a bill showing cost and a correct analysis of such feeding stuffs.

Any person or corporation who shall be convicted for violating the provisions of this section shall be liable to pay a fine of not less than \$500 and not more than \$5,000; or, in case of a natural person, to be imprisoned for a period not exceeding one year, in the discretion of the court, or by both such fine and imprisonment.

The Secretary of Agriculture, with the approval of the Director General of Transportation, is authorized to prescribe suitable rules and regulations for carrying into effect the provisions of this section.

STATEMENT OF MR. HAROLD A. ABBOTT, PRESIDENT AMERICAN FEED MANUFACTURERS ASSOCIATION, MANAGER OF FEED DEPARTMENT OF THE ALBERT DICKINSON CO., CHICAGO, ILL.

The CHAIRMAN. Mr. Abbott, be kind enough to state your name, your post-office address, your present business, and your connection with any organization that is interested in this proposition.

Mr. ABBOTT. Harold A. Abbott, manager of the feed department of the Albert Dickinson Co., Chicago.

Mr. Chairman and members of the committee, as we feed manufacturers understand the spirit and intent of the Gore amendment, so called, it is in effect an attempt to prevent the interstate shipment of fraudulent feeds and does not purport to interfere with the interstate shipment of feeding stuff of real intrinsic value.

The CHAIRMAN. That is the idea.

Mr. ABBOTT. This viewpoint we think, in general, was made reasonably clear on the floor of the Senate by Senator Gore, and with this viewpoint we feed manufacturers at the very outset wish to go on record as being heartily in accord.

May we say in passing that there are now feeding-stuffs laws in 42 of the several States, rather comprehensively covering the subject of feed regulation, and that we not only comply with these laws willingly but also gladly, inasmuch as they in general accomplish the very purpose which the Senator had in his mind in the introduction of his amendment, namely, the elimination of fraudulent feeds. As a matter of fact, the feed manufacturers cooperated with the association of feed-control officials of the United States in securing the enactment of many of these State laws.

But we respectfully point out that the language employed in the second paragraph of section 26 appeals to us as really frustrating

the purpose of the amendment, whereas in reality, of course, it was intended to be the savior of the desirable feeds. We say this, of course, with all due deference and will proceed to discuss the second paragraph of section 26 as we have come to understand it.

In the first place, section 26 makes it unlawful, "except as therein otherwise provided," to ship in commerce among the several States any concentrated commercial feeding stuffs containing any one of a number of different ingredients therein mentioned specifically or any other foreign material.

Now, the list of the named prohibited ingredients in section 26 is so long and so comprehensive that, as a matter of fact, almost every mixed feed made and shipped would be found to contain one or more of these prohibited ingredients in its admixture. This fact was so obvious that in the carrying out of the purpose of the bill to prevent an alleged evil the Senator who introduced the same naturally and necessarily added the second paragraph of section 26 to cover the point of permission to ship in interstate commerce the desirable mixed feeds.

The second paragraph of section 26 authorizes the Secretary of Agriculture "to issue a written permit for the shipment of concentrated commercial feeding stuffs containing a mixture of foreign materials which in his judgment is inseparable from such prepared feeds or which does not detract materially from its feeding value: *Provided*, That such feeding stuffs in packages or bales be so labeled as to show the purchasers and users thereof specifically the percentage of each ingredient entering into the composition of the same: or if such feedstuffs are shipped in bulk in carload lots, then the bill of lading and the bill from manufacturer to purchaser of same shall both show such analysis. The agency distributing to users of such feeds in less than carload lots shall deliver to the purchaser of each lot, regardless of quantity sold, a bill showing cost and a correct analysis of such feeding stuffs."

May we take up this paragraph in detail?

THE CHAIRMAN. I would like to interject right there that I think that clause ought to be changed. It requires the percentage to be stated, and it probably would not always be possible to state the exact percentage in a mixed feed of this character, so there ought to be a latitude, allowing a maximum, or a minimum and maximum within which the statement should be true. I realize that is too rigid the way it is drawn, and there ought to be some flexibility provided.

MR. ABBOTT. It is primary, of course, that a mixed feed is a product made up of two or more separate and distinct ingredients, usually a number.

Now, then, the Secretary of Agriculture may issue a permit to ship in interstate commerce any mixed feed which contains, among other things, any one of the ingredients prohibited by the first paragraph of section 26: provided, first, that in his judgment such prohibited material is inseparable from such prepared feed. But "inseparable" when? And how? Prior to the mixing of the feed, it is respectfully pointed out, every ingredient which is intended to be used therein is separable, of course, because it does not have to be mixed.

THE CHAIRMAN. Mr. Abbott, will you let me explain? I have an idea that there would be some dust and perhaps some grit in these fed stuffs that could not possibly be separated, and I think where a

man willfully puts dust or dirt in his feed it ought to be prohibited, but the way the manufacture and shipment of feed is carried on there will be more or less dust in it. Of course, it ought not to be interdicted because of that. That is what I had in mind.

MR. ABBOTT. I understand, Senator.

After mixing, it is a well-known practical fact and a well-known scientific fact that no one of the ingredients is separable. Therefore, if the Secretary of Agriculture views the matter of separability or inseparability from the viewpoint of "before mixing" he will not be entitled to issue a single permit, and if he views the question of separability or inseparability from the standpoint of the finished product he may be obliged to issue a permit in every instance. This would seem to be, in this particular, at least, a defeating of the very purpose of the bill. Second, the Secretary of Agriculture may issue a permit for the interstate shipment of any mixed feed containing one or more of the prohibited ingredients, when in his judgment the presence of the prohibited ingredient or ingredients does not "detract materially from its feeding value."

Now, the feeding value of a mixed feed is its feeding value as a completed product and, of course, that resultant is determined entirely by the very admixture itself; so that we urge this feature upon your careful consideration, for if the Secretary views the feeding value of a given mixed feed as a completed whole, as it would seem necessary for him so to do, then rather of necessity he will be obliged to find that no ingredient therein detracts from its feeding value, and if he does not take this view, we do not know what view he can possibly take.

THE CHAIRMAN. Now, Mr. Abbott. I have here a reference to an analysis made by Dr. Kellogg, of the Pennsylvania Experiment Station. It is an actual instance, as I understand it. The farmer ordered a carload of feed, containing 20 tons, and it turned out there were 3 tons of water in the carload. He paid \$60 for that water. That is one of the evils that this amendment is directed against. I do not think the water would have any feeding value; certainly it would not be worth \$180 for the 3 tons.

MR. ABBOTT. I quite agree with you there.

THE CHAIRMAN. You see what I am getting at. We want all the help we can get to get at the evil and do not want to do anybody any harm that is in a legitimate business. I should be glad to have your assistance along that line, because we want to protect legitimate and honest business.

MR. ABBOTT. So that there again the licensing power will find itself in the position of denying license to all or granting license to all, which, again, we respectfully submit is contrary to the whole purpose of the Gore amendment, as we understand the Senator himself to have explained it—that is, that worthless feeds are to go under the ban.

Thirdly, in the event that the Secretary of Agriculture sees his way clear to grant a license to any mixed feed which contains a mixture of foreign material—that is to say, some one or more of the prohibited articles enumerated in the first paragraph of section 26—the receiver of that permission is obliged to see to it "that such feeding stuffs in packages or bales be so labeled as to show to purchasers and users thereof specifically the percentage of each ingredient entering

into the composition of same, or if such stuffs are shipped in bulk in carload lots, then the bill of lading and the bill from the manufacturer to the purchaser of same shall both show such analysis. The agency distributing to users of such feeds in less than carload lots shall deliver to the purchaser of each lot regardless of quantity sold a bill showing cost and a correct analysis of such feeding stuffs."

This proviso we feed manufacturers feel can not be complied with as a practical matter in the first place, and, in the second place, that if it were necessary to attempt to comply with it, it would open the doors to possible dishonesty that might lead to greater evil than any which may now appear to be existent in the industry.

It would compel the manufacturer to conform to two incompatible standards; one a chemical-composition guaranty required of him by the State laws; the other a percentage-ingredient guaranty required by this Federal law. Under present manufacturing conditions he can not comply with both of these requirements. The raw materials from which he makes his feeds vary materially in chemical composition. If, for example, the manufacturer is producing a feed guaranteed to contain a specified percentage of protein and is obtaining the protein from cottonseed meal, linseed meal, gluten feed, alfalfa, corn, and oats, he will find that his cottonseed meal varies from 32 to 38 per cent in protein, that his linseed meal varies from 31 to 36 per cent, the gluten feed from 20 to 27 per cent, and even the corn, oats, and alfalfa will show material variations in protein content from day to day and from shipment to shipment. In order to maintain his protein at approximately the guaranteed percentage, he must have all these ingredients analyzed by a chemist and must vary their per cent in his mixture in accordance with the chemist's report. If he were required to guarantee the percentage of ingredients and maintain that guaranty continuously, the chemical composition of his feed would necessarily fluctuate with the fluctuations in the composition in ingredients, and the chemical-composition guaranty would become absolutely inoperative—a veritable dead letter.

The second objection to this provision is that it is absolutely non-enforceable. Neither chemists nor microscopists, nor the two working conjointly, can determine with any degree of accuracy the percentage of ingredients in a mixed feed of ordinary composition; and when I say that I mean that they can not determine it closely enough to give such a law any force whatever. This provision will depend for its value entirely on the honesty and good will of the manufacturer and will, consequently, operate to place a premium on dishonesty and a penalty on honesty.

We trust that we have pointed out the objections to the second paragraph of section 26 in a clear and succinct manner, and if we have done so we think that it will appear rather conclusively that if the Gore amendment were to be passed as it now reads it would have the highly undesirable effect, especially in these times of stress, of preventing the interstate shipment of virtually all mixed feeds as they are now manufactured, and have been for a long time past. For again may we call your attention to the fact that practically everyone of them contains one or more of the ingredients prohibited in the first paragraph of section 26.

For the above reasons, therefore, we seriously object to the Gore amendment, although we again reiterate that we have no contention whatsoever with those who desire that fraudulent feeds be prohibited from interstate shipment or even intrastate sale.

We feed manufacturers are not opposed to Federal legislation for the control and regulation of our industry: but we feel from our knowledge of our own industry and from our experience with the practical operation of the laws of the several States, that such legislation should be comprehensive. We are happy to say that we stand ready and willing to give all the aid possible in the preparation of a Federal feeding-stuffs law whenever that aid may be desired by any Member or committee of the Congress of the United States.

The CHAIRMAN. In order to set this matter clearly before the committee and to get it in the record, I want to ask Mr. Abbott a few questions. I would like to say, first, that the enumeration of articles contained in this amendment is not just and ad captandum enumeration; it is based upon analyses of actual feed-stuffs which were being sold to farmers, and these materials were found in the feedstuffs. This amendment was taken from a report based on these experiment station analyses.

As I understand, Mr. Abbott, you do not contend, of course, that stuff like sawdust and other dust and dirt, ground corncobs, cocoa shells, and ivory-nut turnings, whatever they are, ought to be mixed with these concentrated feeds and sold to the farmers?

Mr. ABBOTT. We quite agree with you, Senator, that such things as sawdust and dirt are very undesirable.

The CHAIRMAN. I am glad to hear you say that, and I knew you would. But your objections go to this entire amendment; you are opposed to the prohibition of interstate shipment of fraudulent feeds. You allege that this amendment is unworkable and impracticable, although in large measure you seem to favor the end sought.

I will ask you at this point to prepare amendments to this proposed amendment that will cut out the fraud and will not interfere with legitimate business. You say this amendment is not workable, and yet that the end is desirable. I have no pride in this matter at all, and shall be glad to have any suggestions from you or your organization, or from any other quarter, that will meet this situation and avoid the evils that you suggest.

You are president of what association?

Mr. ABBOTT. The American Feed Manufacturers' Association.

The CHAIRMAN. How old an organization is that?

Mr. ABBOTT. Ten years old.

The CHAIRMAN. How many members has it?

Mr. ABBOTT. Approximately 175.

The CHAIRMAN. Did you send out a number of telegrams, Mr. Abbott, to have telegrams sent in concerning this amendment?

Mr. ABBOTT. We requested our membership to get in touch with the proper parties, so that we might be heard before the conference committee before the matter proceeded any further. Unfortunately, we had not had the opportunity of appearing previously.

The CHAIRMAN. Will you be kind enough to attach to your statement a sample copy of your telegram to these organizations?

Mr. ABBOTT. I will, sir. I have not the telegram with me, but the secretary of our organization undoubtedly can furnish it to you.

(The telegram referred to was subsequently furnished and is here printed in full, as follows:)

Gore amendment to House bill 11949 makes it unlawful to ship or transport in interstate commerce any concentrated commercial feeding stuffs containing mill, elevator, or other sweepings or dust, buckwheat, cottonseed, oats, or other hulls, clippings, screenings, chaff, or offal from any seed or grain when separated from standard product or from cleaning or milling, peat, flax, straw, hay, etc., passed Senate committee yesterday, likely pass Senate to-day, and House Saturday morning. This infamous measure will practically prohibit the shipment of every commercial mixed feed. Wire your Senators and Congressmen immediately to stop this bill.

The CHAIRMAN. Who is the secretary of your organization, Mr. Abbott?

Mr. ABBOTT. Mr. L. F. Brown, with headquarters at Milwaukee.

The CHAIRMAN. How long has he been with you?

Mr. ABBOTT. About five years, I think, if my memory serves me.

The CHAIRMAN. Have his services been satisfactory?

Mr. ABBOTT. Very.

The CHAIRMAN. What was his official position before he became secretary of this Feed Manufacturers Association?

Mr. ABBOTT. I can not attempt at this time to give you his exact status. My understanding was that he was working with the Department of Agriculture in the State of New York.

The CHAIRMAN. And had to do with the law prohibiting adulterated foods?

Mr. ABBOTT. Personally I am not in a position to enlighten you as to his definite duties at that time.

Representative LEVER. You mean the State Department of Agriculture of New York?

Mr. ABBOTT. The State Department of Agriculture of New York.

The CHAIRMAN. You are not aware then that Mr. Brown, prior to his connection with your organization, was connected with the New York Department of Agriculture and had charge of the specimens that were to be analyzed for the detection of fraudulent mixtures?

Mr. ABBOTT. Speaking from a definite standpoint, I can not say that I do know exactly. I have, of course, come in contact with him. I have had occasion to come in contact with him in the department of agriculture at Albany, but, as I stated a minute ago, just what authority he had in that department I am not prepared to say.

The CHAIRMAN. If I do not find it soon I will put in the record later at this place the official status of Mr. Brown in the New York Department of Agriculture.

Mr. ABBOTT. Speaking further on your suggestion of amending your present proposed regulations, we as feed manufacturers would like at this time to recommend to your committee a proposed uniform feed law which in 1913 was indorsed by the Department of Agriculture of the United States, by the feed-control officials of the various States, by delegates from the Millers' National Federation, the Interstate Cottonseed Crushers' Association, and the American Feed Manufacturers' Association.

The CHAIRMAN. Will you attach a copy of that bill to your statement?

Mr. ABBOTT. I will, sir.

(The bill referred to was subsequently furnished, and is here printed in full, as follows:)

PROPOSED FEDERAL FEED LAW.

The proposed new Federal feedstuffs act is the work of five delegates appointed from four associations interested in this subject and which are as follows: Association of Feed Control Officials of the United States, Millers' National Federation, Interstate Cottonseed Crushers' Association, and the American Feed Manufacturers' Association. This proposed new bill was given the unanimous indorsement of the five men attending the conference at Chicago on May 22. These men were Dr. C. D. Woods, director of the agricultural experiment station, State of Maine, and who is also chairman of the executive committee of the Association of Feed Control Officials of the United States; J. D. Turner, head of the feed division, agriculture experiment station, State of Kentucky, and president of the Association of Feed Control Officials of the United States; W. G. Crocker, Washburn-Crosby Co., Minneapolis, Minn., chairman of the legislative and uniform feed law committee of the Millers' National Federation; Julien E. Brode, Memphis, Tenn., representing the Interstate Cottonseed Crushers' Association; G. A. Chapman, Quaker Oats Co., Chicago, Ill., president of the American Feed Manufacturers' Association. The proposed new law was unanimously indorsed by the American Feed Manufacturers' Association at its meeting in Chicago, May 23 and 24, and as the members of the executive committee of the Association of Feed Control Officials of the United States, the appointed delegates from the Millers' National Federation, and Mr. Brode, representing the Interstate Cottonseed Crushers' Association, gave unanimous indorsement to the bill there is little doubt but what it will have the most careful attention of the Interstate Commerce Committee of the United States Senate.

AN ACT For preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious commercial feeding stuffs, and for regulating traffic therein, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. It shall be unlawful for any person to manufacture within any Territory or the District of Columbia any commercial feeding stuffs which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not to exceed \$500 for the first offense, and upon conviction for each subsequent offense be fined not to exceed \$1,000, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any commercial feeding stuffs which is adulterated or misbranded within the meaning of this act is hereby prohibited: and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver, to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or any Territory of the United States any such adulterated or misbranded commercial feeding stuffs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding \$200 for the first offense, and, upon conviction for each subsequent offense not exceeding \$300, or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the

foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said articles shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

SEC. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of commercial feeding stuffs manufactured or offered for sale in the District of Columbia or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country or intended for shipment to any foreign country, or which may be submitted for examination by the chief feed control official of any State, Territory, or the District of Columbia, or by the director of the experiment station of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

SEC. 4. That the examination of specimens of commercial feeding stuffs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such bureau, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens are adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article, duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any director of experiment station or chief feed-control official of any State, Territory, or the District of Columbia shall present satisfactory evidences of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such cases herein provided.

SEC. 6. That the term "commercial feeding stuffs" as used in this act shall include all feeding stuffs used for feeding live stock and poultry.

SEC. 7. That for the purposes of this act a commercial feeding stuffs shall be deemed to be adulterated:

First. If its strength, composition, or purity falls below the professed standard or quality under which it is sold.

Second. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Third. If any substance has been substituted wholly or in part for the article.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contains any substance or substances which may be injurious to the health of live stock or poultry.

Sixth. If it consists in whole or in part of a filthy, decomposed, mouldy, or putrid animal or vegetable substance.

SEC. 8. That for the purposes of this act a commercial feeding stuff shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser.

Third. If the package containing it or its label or any advertising matter accompanying the package or any advertising matter intended to be used in connection with the sale of the article shall bear any statement, design, or device regarding the article or the ingredients or substances contained therein, or

regarding the physiological or therapeutic action of such article or ingredients or substances contained therein, which statement, design, or device shall be false or misleading in any particular.

Fourth. If every lot or package of commercial feeding stuffs does not have affixed in a conspicuous place on the outside thereof a plainly printed statement in the English language clearly and truly giving the number of net pounds in the package; the name, brand, or trade-mark under which the article is sold; the name and principal address of the manufacturer or person responsible for placing the feeding stuffs on the market; a chemical analysis stating the maximum percentage of crude fiber, the minimum percentage of crude fat, and the minimum percentage of crude protein (allowing one per cent of nitrogen to equal six and one-fourth per cent of protein) which it contains, all three constituents to be determined by the methods adopted at the time by the association of official agricultural chemists of North America; if the feeding stuffs is a compound feed, the name of each ingredient contained therein; and if artificially colored, the name of the material used for that purpose: *Provided, however,* that the provisions of the foregoing paragraph of the law designated section eight, fourth paragraph, do not apply to the whole seeds or grains sold as such and the unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaifir and milo, whole hay, whole straws, cottonseed hulls, and corn stover when unmixed with other materials.

SEC. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

SEC. 10. That any commercial feeding stuffs that is adulterated or misbranded within the meaning of this act and is being transported from one State, Territory, district, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or any Territory of the United States, or any insular possession of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district wherein the same is found and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, within the meaning of this act, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act or the laws of any State, Territory, or district the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except their either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 11. That the Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request, from time to time, samples of commercial feeding stuffs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony; and if it appear from the examination of such samples that any commercial feeding stuffs offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the live stock or poultry of the United States, or is of a kind forbidden entry into or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any

goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause, to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purposes, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

SEC. 12. That the term "Territory," as used in this act shall include the District of Alaska and the insular possessions of the United States. The word "person" as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of this employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person.

SEC. 13. That this act shall be in force and effect from and after the day of

The CHAIRMAN. Do you happen to remember what officials of the Department of Agriculture had to do with the preparation of this bill or its indorsement?

Mr. ABBOTT. I can not tell you. I was not as intimately associated with our association at that time as I am to-day.

Senator SMITH of South Carolina. Mr. Abbott, what Federal regulation is there now in reference to protecting the public against the adulteration of feed stuffs, such as is contemplated in this amendment?

Mr. ABBOTT. The present Federal pure-food law of 1906, I understand, very amply covers that point of adulteration, of misbranding, of allowing any putrid foodstuffs or matter of that kind to enter into feeds in interstate commerce.

Senator SMITH of South Carolina. Is there any provision in the existing law that would protect the consumer or the purchaser from the adulteration contemplated in this proposed amendment? In other words, could a manufacturer of concentrated feed adulterate it with foreign matters enumerated in the Gore amendment and not be liable under the law?

Mr. ABBOTT. Understand, Senator, some of the foreign matter that you speak of in the Gore amendment we can not acknowledge to be foreign matter, or at least undesirable feed stuffs. In fact, it would rather appear to us from the Senator's own statement that it was not his intention that they should all be barred.

Senator SMITH of South Carolina. Well, as far as concerns anything in this enumeration that should be barred, is there any law that would penalize one for the use of them?

Mr. ABBOTT. If a representative of the Bureau of Chemistry were present, he no doubt could give you quite a comprehensive answer to your question. I think that the law does cover the question of willful adulteration with such things as are harmful or deleterious. That is specifically mentioned in the pure-food law, as it refers to food both for human beings as well as for animals.

Senator SMITH of South Carolina. I am not familiar with the law, and I am trying to get at whether or not there is any law that would protect the purchaser of concentrated foods from harmful adulteration, which is sought to be done by the Gore amendment.

Mr. ABBOTT. In addition to the restrictions of the Federal pure-food act, as stated in our brief, there are 42 States that have some regulations covering the matter.

Representative LEVER. Answering Senator Smith's question, let us see if this, in Mr. Abbott's judgment, covers the matter he has in mind. Section 6 of the pure food and drugs act defines drugs, and then defines food in this language [reading]:

The term food as used herein shall include all articles used for food, drink, confectionery, or condiment by men or other animals, whether simple, mixed, or compound.

Mr. ABBOTT. It does cover all deleterious substances.

Representative LEVER. Does it cover the proposition of sawdust, for instance? Is that deleterious?

Mr. ABBOTT. In my judgment, I should consider that it is, when mixed:

Senator SMITH of Georgia. There is not any doubt about it. Certainly sawdust is not a good food for animals.

Mr. ABBOTT. Unless you can obtain testimony which will prove my statements wrong. In my judgment it is not a good food. Of course, animals are known to nibble trees and their stalls and things of that kind, but I am not in favor of sawdust.

Senator SMITH of Georgia. But it does not help them to nibble on their stalls, does it?

Mr. ABBOTT. Understand, Senator, I am not trying to uphold any such item as that.

Senator SMITH of Georgia. I have not any patience with any doubt about its being objectionable.

Representative LEVER. I think there is some doubt about it. Water is not deleterious to animals, is it?

Mr. ABBOTT. No, sir.

Representative LEVER. Senator Gore brings to the attention of the committee here a proposition—what was that statement?

The CHAIRMAN. A farmer bought a carload of 20 tons of mixed feeds, and the analysis made by Dr. Kellogg, of the Pennsylvania Experiment Station, developed that there were 3 tons of water in those 20 tons of alleged feeds. Now, I do not think that water is either harmful or deleterious.

Representative LEVER. Mr. Abbott, is there anything in the Federal law anywhere that could cover a case of that kind?

Mr. ABBOTT. In the first place, Congressman Lever, all feedstuffs of a desirable character and in a condition to be properly transported and used as articles of feed must necessarily have a certain moisture content.

Representative LEVER. Undoubtedly.

Mr. ABBOTT. That moisture content runs from 11 to 15 or 16 per cent in what you would ordinarily term a dry and desirable feedstuff. In the matter of corn, unfortunately, this last year the Lord did not see to it that our corn crop was cured as well as it might have been, and there was transported in interstate commerce many millions of bushels of corn which contained vast amounts of water.

That was discounted, however, and the price of corn undoubtedly was fixed to comply with that condition.

Representative LEVER. Mr. Haugen, there is a Federal statute which fixes the moisture content of butter, is there not?

Representative HAUGEN. Yes, sir.

Representative LEVER. But there is no Federal law which would fix the moisture content of mixed feeds? Is there any that you know of?

Mr. ABBOTT. No, sir.

Representative LEVER. What have you to say as to your State laws on that proposition, our State laws which fix the maximum moisture content of mixed feeds?

Mr. ABBOTT. The requirements of the acts I do not know, but there can not safely be more than a certain moisture content in any feedstuff without its deteriorating and getting out of condition in very short order.

Representative LEVER. Is there a commercial standard fixing the moisture content?

Mr. ABBOTT. Through the judgment that all mixed-feed manufacturers have formed as a result of their experience.

Representative LEVER. Take the illustration that Senator Gore gave us here. Would that be possible as a general custom in the trade?

Mr. ABBOTT. I think not. Furthermore, if this carload of feed that the Senator speaks of contained 40,000 pounds of feed stuffs and had 10 per cent of natural moisture content, that would be 4,000 pounds. If it had 15 per cent natural moisture content, which would be desirable in the feed business, that would be 6,000 pounds, or three tons of water. Fifteen per cent moisture content is not out of the way, although many mixed feeds run materially under that. Our wheat crop invariably will average early in the season as much as 15 per cent moisture content.

Representative LEVER. Do you happen to know what the Government standard for corn allows in the way of moisture content?

Mr. ABBOTT. I have a copy of the Government regulation with reference to shelled corn. It provides that a bushel of No. 2 corn must not contain more than 15½ per cent of moisture. No. 1 and No. 2 corn are recognized by the trade and are so graded as the highest type of corn obtainable. Other grades of corn, such as No. 3, must not contain more than 17½ per cent of moisture. Bear in mind, of course, that other features of the inspection regulations provide it shall not contain over a certain given percentage of cracked material or damaged grains.

Representative LEVER. What is the moisture content for wheat in the Government standards? Do you happen to recall?

Mr. ABBOTT. The moisture content of wheat varies according to its class. For hard red spring and durum wheat, grading No. 1, it is not over 14 per cent moisture; grading No. 2, not over 14.5; grading No. 3, not over 15; grading No. 4, not over 16; grading No. 5, not over 16.5 per cent of moisture.

Representative LEVER. What about northern No. 1?

Mr. ABBOTT. Northern No. 1 would be included in the hard spring variety.

Mr. WARD. May I ask, at what time is that percentage of moisture allowed? Is it in the grain, or is it allowed in the flour?

Mr. ABBOTT. These are the inspection regulations of the Department of Agriculture as they refer to the grading of grain in the terminal markets.

Representative LEVER. What is the ordinary moisture content of cottonseed meal?

Mr. ABBOTT. I will have that looked up, and while that is being done I want to add, for the information of the committee, that in speaking of the moisture content of wheat and corn, I refer to what is known as the natural moisture content. There has been no moisture added; that is not permissible. It is merely as it is found in its original state.

Representative HAUGEN. May I ask the Chairman a question? Is it the contention that the three tons of moisture was added, or did that represent the ordinary moisture content?

The CHAIRMAN. I could not say as to that.

Senator SMITH of Georgia. What was the character of the material?

The CHAIRMAN. It just said "mixed feed," Senator.

Senator SMITH of Georgia. What percentage of water was there in it in the case you refer to?

Mr. WARD. I have that statement here, and I will give it to you. Of the 600 or more samples received and analyzed, 50 were molasses feeds, which were found to contain water in quantities of 13 per cent or more, to as high as 20.24 per cent. An average of the samples gave 15.16 per cent of water. In one carload, or 20 tons of this class of feeds, the water shipped to consumers amounted to about 3 tons, and 3 tons of water at the rate of \$20 to \$25 per ton is an item of expense which should be seriously considered in these times of high-priced feeds.

If I may be permitted the suggestion, the important inquiry is, What would the percentage of water be in corn meals or wheat brans shipped as these were; not the percentage of water in green grains before they were milled?

Senator SMITH of Georgia. To determine whether the water was intentionally added?

Mr. WARD. Yes.

Representative LEVER. What is the moisture content of corn meal?

Mr. ABBOTT. The moisture content of Southern natural ground corn meal, made directly from the whole kernel of corn, would be, of course, the moisture content of the corn from which it was made, and that would vary according to the grade of corn used. As indicated by the regulations, it might be 15.5 per cent, or possibly a trifle more, although I do not believe, as a matter of commercial practice, that even natural ground corn meal is shipped in interstate commerce when it contains more than 15.5 per cent of moisture, because it is not a safe proposition; it gets out of condition. I understand, furthermore, that there is a Government regulation, through the Food Administration, which prohibits the movement in interstate commerce of corn meal of more than 14.5 per cent moisture content.

Representative LEVER. Do you happen to know the moisture content of flour?

MR. ABBOTT. I can not speak as to flour, unless some one enlightens me.

Going back to cottonseed meal, to answer your first question, reports indicate that cottonseed meal contains from 7.5 to 11 per cent of moisture. I wish further to state that the standard mixed feeds offered and sold in the markets to-day, of what is known as a dry character, will average from 10 to 12 per cent of moisture. Of course, where those feeds are blended with molasses, which naturally in itself must contain a larger percentage of moisture, the feed will be somewhat increased in moisture content.

All experience has shown that no feed carrying an excess of moisture is safe for transportation in inter-state commerce. It means so great a loss to the manufacturer and shipper that they would not, for one moment dare, nor does he dare, to place that in interstate shipments.

THE CHAIRMAN. Then you would like to see that stopped? You would like to have stopped the interstate shipment of feeds containing an excessive quantity of water?

MR. ABBOTT. Yes, sir. As far as I know, it is not being done; it is not a common practice. We do not know of any instances ourselves. We do not indulge in it and I have not had it brought to my attention.

THE CHAIRMAN. Mr. Abbott, you state that, according to the authority you have there, No. 1 northern wheat contains 14 per cent of moisture, according to the Government standard grades?

MR. ABBOTT. Yes, sir.

THE CHAIRMAN. So that when the miller buys No. 1 northern wheat he knows exactly how much water he is buying and how much water he is paying for, does he not?

MR. ABBOTT. As a rule they have tests made.

THE CHAIRMAN. I am not speaking of that; I mean he knows how much he is paying for?

MR. ABBOTT. He knows the limit of moisture.

THE CHAIRMAN. He knows the limit of moisture, because Congress and the Government had thought it of sufficient importance to protect the millers against excess water or misgrading of wheat. Now, whenever a miller or farmer buys No. 1 corn he knows how much water he is getting; he knows the percentage, according to the standard of the United States prescribed in pursuance of law. Do you think that is a wise provision?

MR. ABBOTT. I do, sir.

THE CHAIRMAN. Is there any reason why the farmer should not have the same protection in regard to mixed feeds?

MR. ABBOTT. No, sir; provided it is arrived at by a reasonable limitation which is workable.

REPRESENTATIVE LEVER. Do buckwheat hulls have any feeding value, Mr. Abbott?

MR. ABBOTT. I would prefer to have that question answered by some one that is perhaps more familiar with it. I would like to call on Mr. Chapin, if it is agreeable to you.

REPRESENTATIVE LEVER. In a general way, what is the reason for using buckwheat hulls, cottonseed hulls, peanut hulls, nut shells,

rice hulls, oat hulls, corn cobs ground, cocoa shells, etc., when mixing feeds? We all know that practice is carried on.

Mr. ABBOTT. I would like the privilege of referring all those questions to Mr. Chapin, if you please.

Representative LEVER. That is satisfactory to me.

The CHAIRMAN. I would like to interject into the record at this point the statement that I think in all probability the United States pure food law does prohibit the interstate shipment of harmful or deleterious feeds. Whether it would apply to worthless feeds or not I am not so certain, and this has more particular reference to worthless feeds—stuff that is covered up with blackstrap molasses and palmed off on the farmer.

STATEMENT OF HON. FRANK B. KELLOGG, A UNITED STATES SENATOR FROM THE STATE OF MINNESOTA.

Senator KELLOGG. Mr. Chairman, I just want to say one word to the committee, if I may do so. I have received protests from chambers of commerce, country elevators, and terminal elevators in my State, with the request that I present them to the committee, which I will do if the committee desires.

The CHAIRMAN. We shall be glad to have you file them with the committee.

Senator KELLOGG. I was also requested to make a statement to this effect. Of course, I am familiar with this personally. You all know that in my State the farmers do not clean their grain; they have no facilities for doing it now. In the old days they used to clean it with the fanning mill. Now it is cleaned in the country or terminal elevators—very largely in the terminal elevators because the country elevators have not the machinery. The screenings are taken out and sold, of course, for feed. As I understand this bill, it would prohibit anybody selling concentrated feed containing screenings without a permit from the Secretary of Agriculture. Screenings are a very large product in my State, and the revenue from them pays the farmer a great deal.

The CHAIRMAN. Yes; there is a great deal of force in that, Senator, and it ought to be taken care of.

Senator KELLOGG. It ought to be taken care of.

I do not wish to take the time of the committee arguing a fact with which I presume this committee is entirely familiar, but I will say that Mr. Jenks, president of the Chamber of Commerce of Duluth, is here. He is familiar with the subject, and if the committee will hear him at a proper time I shall be glad.

STATEMENT OF HON. JAMES A. REED, A UNITED STATES SENATOR FROM THE STATE OF MISSOURI.

Senator REED. Mr. Chairman, may I interject here—because I have another committee to go to—something along the line suggested by Senator Kellogg? I have protests from very responsible people in my State who say that this bill, if it is enacted in its present form, will result in the destruction or nonuse of a vast quantity of material that now makes good feed. They say further that this is a poor time to be refusing to use for animal food materials which in

some other countries they are very glad to use for human food today, and that it is a poor time to be restricting the use of flesh-producing and life-preserving foods for animals when we are requiring, even in America, people to use for foods articles that they have not hitherto desired to use.

I do not know who drew this bill, but I think whoever did draw it never saw a fanning mill, never thrashed any wheat, and probably never worked in an elevator, or he would not have put into the bill a provision against screenings.

Now, I happen to have grown up on a farm, and I have turned an old-fashioned fanning mill many times. When we got our wheat from the separator, in the old days before they were quite as good as they are now, the wheat had mixed with it certain seeds of certain weeds that were heavy enough so that they were not carried out by the draft of the fan in the separator, and they fell in with the wheat. Also there fell in with the wheat the lighter particles of grain, broken grain, grain that had been blighted, and various other materials, including almost invariably some oats and perhaps some rye and some barley that had become mixed with the wheat.

All those things, even including the weed seeds that I referred to, had a feed value. We ran the wheat through the fanning mill in order to separate the good sound wheat from these other articles, and then when our wheat was taken to the mill we got flour of a better quality than we would have gotten if we had ground everything up together. But these screenings had a very high value. They were, in fact, so rich that we could not feed them to our horses, because everybody knows you can not feed a horse much wheat without danger to the horse. They were most excellent feed for cattle, in small quantities, for hogs, and for chickens; and, I think, with modern milling, perhaps some of them are saved and put into flour at the present time. So when you propose to condemn screenings you simply propose by law to force a waste of good food substances.

You have in the amendment the phrase "damaged feed." What do you mean by "damaged feed"? I undertake to say that if you are going to throw out all feed that is damaged to any extent you will throw out about half the feed there is in the country. Mr. Chairman, I suppose it is perfectly safe to say that on the average 33 per cent of the timothy hay and clover in this country is more or less damaged when it is being put up. A farmer goes out and cuts 10 or 20 acres, and there comes along a rain, and the minute it is rained on it is damaged. He is obliged sometimes to throw it up in the shock before it is just in prime condition, and it gets somewhat damaged. Sometimes he puts it in the stack a little bit damp, and it is somewhat damaged. I do not believe you can find 10 per cent of the timothy hay and clover in this country that comes out in the spring of the year that is not to some extent damaged.

The same thing can be said of possibly all our grains, our feeds. Very little of them comes through in absolutely prime condition. Grains may be very greatly damaged. They may be damaged so that their food value is reduced 50 per cent, but still there is 50 per cent of food value left. You can take wheat that has been so musted and spoiled in the bin that it is absolutely unfit for food, and yet it will be perfectly good for hogs and have a tremendous food value.

These are just practical questions that men who have fed hogs and cattle and sheep and chickens and that have raised grain know. I happen to know them, and I think, after a reading of this bill, that it needs some very careful revamping. In fact, I think it has been drawn in reference to grains about as I might draw a bill with reference to cotton. Being wholly ignorant of cotton, I would be very likely to mix up the cotton situation. I am inclined to think a cotton man drew this bill.

Representative HAUGEN. Is it not a fact, Senator, that the question of the use of screenings really is left entirely to the discretion of the Secretary of Agriculture in the bill?

Senator REED. Well, I have just read this part of it carefully. You may have put some discretion in the Secretary of Agriculture.

The CHAIRMAN. I would like to say that in my judgment screenings ought to be excepted from this provision.

Representative HAUGEN. Mr. Chairman, there are undesirable screenings; there is no question about that.

The CHAIRMAN. Just one moment. Here is the point I want to get at, though: There is a very widespread misapprehension as to what this amendment proposes to do. This does not propose to prohibit the interstate shipment of damaged grains or timothy hay or cotton-seed hulls. But those things are roughage, they are not concentrated feedstuffs, and they ought not to be covered up with black-strap molasses and palmied off on the farmer as concentrated feedstuffs. That is what this amendment undertakes to prohibit. Sell what you are actually selling and let the farmer know what he is buying. There is no disposition to prohibit the sale of any feedstuff that has any feeding value.

Senator REED. Is that what the bill says?

The CHAIRMAN. Yes, sir; that is what it says.

Senator REED (reading):

That it shall be unlawful, except as herein otherwise provided, for any person, firm, or corporation knowingly to ship, offer for shipment, or transport in commerce among the several States or for commerce with foreign countries any concentrated commercial feeding stuffs containing any damaged feed, mill, elevator, or other sweepings or dust—

Containing any of that.

The CHAIRMAN. Yes; sold as concentrated feedstuffs; not sold as timothy hay or cotton hulls.

Senator REED. All right. I was using timothy hay merely to illustrate; I was not using it as being completely within the bill. [Reading:]

any concentrated commercial feeding stuffs containing any damaged feed, mill, elevator, or other sweepings—

And yet there are mill, elevator, and other sweepings that are unquestionably of food value. The bill mentions buckwheat hulls, cottonseed hulls, peanut hulls, and peanut shells; I know nothing about their food value, whether they have any or not. Rice hulls, oat hulls—I undertake to say that oat hulls have a food value.

The CHAIRMAN. There is no doubt of that

Senator REED. I have bought them as such and fed them as such. [Reading:]

Corneobs ground, cocoa shells, clipped oat by-product, ground or unground hulls, screenings, chaff, or other cleanings derived from the preparation, clean-

ing, or milling of any seed or grain when separated from the standard product as an offal or by-product, or such preparation, cleaning, or milling, humus, peat, sphagnum moss, ivory-nut turnings, ground cornstalks, flax-plant refuse, sorghum pulp, ground or shredded straw or hay, sawdust, cellulose, or dirt, or any other foreign material.

That is all prohibited up to that point.

Now, the Secretary of Agriculture is authorized to issue a written permit for the shipment of concentrated commercial feeding stuffs containing a mixture of foreign material which in his judgment is inseparable from such prepared feeds or which does not detract materially from its feeding value. You have prohibited it, and then you allow him to permit it under this limitation. Read that. I do not want to argue this with you gentlemen, who are very patient with me, but read that and ask yourselves whether it does not in fact prohibit even the Secretary of Agriculture from permitting anything to come in except that which he considers is inseparable from such prepared feeds and that which does not detract materially from their feeding value.

Everybody knows that a damaged article has subtracted from it a part of its food value, and yet it has a food value. It may have a food value of 90 per cent or it may have a food value of 25 per cent, but whatever it is it ought not to be lost at a time like this.
(Reading:)

Provided, That such feeding stuffs in packages or bales be so labeled as to show to purchasers and users thereof specifically the percentage of each ingredient entering into the composition of same, or if such feed stuffs are shipped in bulk in carload lots then the bill of lading and the bill from manufacturer to purchaser of same shall both show such analysis.

Now, I think it is entirely proper to require any animal food that is sold to be honestly labeled, to tell just what it is; there is no reason why that should not be true of everything we use. But if it has been honestly labeled then can not the farmer and others be trusted to protect themselves?

Senator KELLOGG. Will the chairman allow me to add one thing?
The CHAIRMAN. Certainly.

Senator KELLOGG. I should have said to the committee that in Minnesota the amount of screenings that are taken out, the sale of them, and the whole subject is under regulation by the Minnesota Railroad and Warehouse Commission, under which every elevator in Minnesota is operated. I have never heard of any complaint of any fraud in the sale of screenings, which is a matter of very large commercial importance.

The CHAIRMAN. I would like to say in that connection that any Member of the Senate or House who has telegrams that he desires to file may do so.

STATEMENT OF HON. JOHN F. SHAFROTH, A UNITED STATES SENATOR FROM THE STATE OF COLORADO.

Senator SHAFROTH. Mr. Chairman, I would like to have 3 or 4 minutes. I will state that the parties from whom I have received telegrams are very much interested in alfalfa meal. That is an industry that has grown up in our State and is attaining large proportions. We ship 210,000 tons. It is mixed with nothing; there

is no adulteration contained in it at all. Our interest in this matter is not from the standpoint of anything deleterious being placed in the meal but in the fact that it might destroy the market so far as the meal is concerned by hindering the sale of the mixed feeds in which our alfalfa meal adds so much to the general feeding quality of the mixtures.

We have 44 mills out in Colorado, and it is an industry that has grown up very recently. It is evident from the discussion that has been going on here that this is a matter that requires a great deal of close investigation and technical learning. I have great confidence in the chairman of this committee, and I know he wants nothing but what is fair and right. His desire is to prevent adulteration if it is bad. I am satisfied this bill will be amended by this committee, if it wants to report a measure, but inasmuch as this is an amendment that has never been reported nor investigated by a committee, at least in the Senate, and as it comes as a rider upon an appropriation bill, which often is productive of hasty legislation, I would like to suggest that this be deferred in some way until you get a bill of your own, a bill that is separate.

The Agricultural Committee of the Senate is a great committee, and it can put before the Senate at any time a measure of this kind, after thorough investigation upon your part, and it seems to me that would be better than to take a measure that is introduced upon the floor of the House without a committee report.

These are very serious matters—serious matters to my State, I know, as to whether our alfalfa market is going to be destroyed.

There is one item in this measure which relates to the question of hay. Alfalfa is hay, and it may be that that is one of the things that is prohibited in this mixture. I know it was not the intention of the chairman to include that, because alfalfa is one of the finest ingredients in the make-up of this mixed food, and on that account I want to suggest the question whether or not the word "hay" there would not have a tendency to prevent the putting into the compound of one of the very best ingredients. Inasmuch as this measure has not had that deliberation which this committee always gives, and as this very hearing will aid very materially in forming an opinion as to what should go into it, I suggest the question whether it would not be wise to introduce a separate bill, or let it go over until the next general appropriation bill this winter.

SENATOR SMITH of South Carolina. Mr. Chairman, I may be a little mixed in my definitions, my terminology. Senator Reed has interjected here the question of hay. What is the recognized difference in the trade, if any, between what you are denominating here concentrated feeds and the ordinary feeds that are sold?

THE CHAIRMAN. I will try to bring that out in the course of the hearing, the distinction between roughage and concentrated feeds. Hay is, of course, specified as roughage, and so are cottonseed hulls, both of which have a very high feeding value but are not concentrated feeds.

SENATOR SMITH of South Carolina. I can not follow this discussion intelligently until I get some clear understanding as to what is meant by concentrated feed. Do you mean by "concentrated feed" a compound of elements which, singly and alone are concentrated? Is that what you mean?

The CHAIRMAN. I do not think it would mean that entirely. It would mean the exclusion of anything that had no feeding value or very low feeding value.

Mr. ABBOTT. May I interject a suggestion at this time?

The CHAIRMAN. Yes, sir; go ahead.

Mr. ABBOTT. You have sent for a representative of the Department of Agriculture, from the Bureau of Chemistry. I understand Dr. Haywood is in the room, and undoubtedly he is in a position to answer these technical questions such as Senator Smith has just brought up. I should appreciate it if you would call upon him at this time.

The CHAIRMAN. We will hear Dr. Haywood next.

STATEMENT OF DR. JOHN K. HAYWOOD, CHIEF OF MISCELLANEOUS DIVISION, BUREAU OF CHEMISTRY, DEPARTMENT OF AGRICULTURE, AND CHAIRMAN OF THE FEDERAL INSECTICIDE AND FUNGICIDE BOARD.

The CHAIRMAN. How long have you been connected with the department, Dr. Haywood?

Dr. HAYWOOD. Twenty-two years.

The CHAIRMAN. Doctor, you may go ahead and state whatever occurs to you in connection with this amendment. You might first discuss concentrated feeding stuffs.

Senator SMITH of South Carolina. I should like to hear that, Doctor. I should like to know the distinction in the trade between a concentrated feed and the feed that is ordinarily sold.

Dr. HAYWOOD. Senator Smith, there is one trouble with this amendment according to my view, and that is that there is no fixed definition for a concentrated commercial feeding stuff. The term "concentrated commercial feeding stuff" has a different definition in nearly every State. Each State law gives a definition of what is meant by "concentrated commercial feeding stuff" in that particular State, and in any one State the definition differs from what it is in another State. In general they mean by "concentrated feeds" those that have high digestibility and low crude fiber; they usually have a high protein value and have a narrow nutritive ratio. That, in general, is what is meant by "concentrated feeding stuff." But there is no fixed definition in this country that I know of.

Senator SMITH of South Carolina. So that in producing a concentrated feeding stuff they just use whatever in their judgment has a high protein content, no matter whether it is alfalfa, corn, or wheat, or a combination of all of them?

Dr. HAYWOOD. Yes, sir; they use many things that have a high protein content in making these commercial concentrated feeding stuffs, and they are recognized as concentrated commercial feeding stuffs by the laws of the different States.

The CHAIRMAN. In that you would not include sawdust, would you, doctor?

Dr. HAYWOOD. No, sir; that has no feeding value.

The CHAIRMAN. What are ivory-nut turnings?

Dr. HAYWOOD. I believe they make buttons from ivory nuts, and they get turnings from these, which are very hard and woody and very low in protein and fat, but they have carbohydrates in them. There is considerable feeding value in ivory-nut turnings.

The CHAIRMAN. Then would you regard it as a concentrated feed?

Dr. HAYWOOD. I would not call it a concentrated feed by itself; no, sir.

Representative HAUGEN. Has it any food value whatever?

Dr. HAYWOOD. It certainly has, sir. The Department of Agriculture has published a bulletin on that.

Representative HAUGEN. How about the buckwheat hulls? Let us take them in the order they occur in the amendment.

Dr. HAYWOOD. Buckwheat hulls have some feeding value.

Representative HAUGEN. How much?

Dr. HAYWOOD. Small; I can not tell you how much.

Representative HAUGEN. How about cottonseed hulls?

Dr. HAYWOOD. They have some feeding value.

Representative HAUGEN. How much?

Dr. HAYWOOD. Small; probably 4 to 5 per cent of protein.

Representative HAUGEN. How do they compare with corn or oats, for example?

Dr. HAYWOOD. A good deal less; I can not give you the exact figures.

Representative HAUGEN. How about peanut hulls?

Dr. HAYWOOD. Peanut hulls—making a distinction between them and peanut shells—have quite a little feeding value, because there is a good deal of fat in them.

Representative HAUGEN. Can you give it in percentage in comparison with other feeds?

Dr. HAYWOOD. Perhaps I can find it.

The CHAIRMAN. What is the difference between peanut hulls and peanut shells?

Dr. HAYWOOD. The peanut shell is the outside white part of the peanut that is taken off. The peanut hull is that little red part that is around the nut itself.

Representative HAUGEN. How about rice hulls?

Dr. HAYWOOD. They have practically no feeding value.

Representative HAUGEN. And oat hulls?

Dr. HAYWOOD. They have some feeding value, but low.

Representative HAUGEN. Can you give it in percentage?

Dr. HAYWOOD. I would say they contain in the neighborhood of from 4 to 5 per cent protein.

Representative HAUGEN. And how about corncobs?

Dr. HAYWOOD. Corncobs have a low feeding value; I would say probably—I am guessing now—about 3 to 4 per cent protein. It is low.

Representative HAUGEN. Well, is it worth paying the freight?

Dr. HAYWOOD. I do not know whether it is or not; it should not be thrown away.

Representative HAUGEN. It should not be thrown away; of course not; but is it worth manufacturing?

Dr. HAYWOOD. I think so.

Representative HAUGEN. It is worth the price of manufacture?

Dr. HAYWOOD. I think it is.

Representative HAUGEN. And paying the freight?

Mr. WARD. If you sell it in these foods, it is well worth it.

Representative HAUGEN. How about cocoa shells?

Dr. HAYWOOD. They have quite a little food value.

THE CHAIRMAN. What are they?

Dr. HAYWOOD. In the making of chocolate and cocoa, these dark-brown shells that are taken off from the outside of the bean are quite woody, but they have a considerable amount of protein.

Representative HAUGEN. Will you put in the record the percentage and give us some comparisons?

Dr. HAYWOOD. Yes, sir.

Representative HAUGEN. How about the screenings?

Dr. HAYWOOD. Some screenings have a high feeding value?

Representative HAUGEN. And others have not?

Dr. HAYWOOD. Some have a low feeding value.

Representative HAUGEN. And some have very little or none?

Dr. HAYWOOD. I do not know of any that have none; but some are quite low.

Representative HAUGEN. Some of them are very undesirable as feed, or otherwise?

Dr. HAYWOOD. I should say that some should not be used as feed.

Representative HAUGEN. Screenings containing quack grass seed, for instance?

Dr. HAYWOOD. I do not know that it makes so much difference about the seeds they contain, because in manufacturing these feeds they are ground up so as to destroy the viability of the seeds. It is feeding value that we are after, and many of the weed seeds have a high feeding value.

Representative HAUGEN. But by the use of the seed in feed or otherwise is there not danger of spreading the quack grass? We were buying seed wheat in our country last year, and we got our farms covered with quack grass and other objectionable weeds.

Dr. HAYWOOD. There is danger. If weed seeds are not ground up there is a danger of their passing right through the animal and putting noxious weed seeds all over the land; but if the seeds are ground up so as to destroy their sprouting capacity, as they are in most of the mills, there is little danger of that.

Representative HAUGEN. There is no way of grinding the quack grass seed and preventing its germination. You can grind it and burn it and burn the ashes, and it will grow then. [Laughter.]

Dr. HAYWOOD. I have been in a good many of these mills where the grinding is carried on, and they grind these seeds and then bolt them through bolting cloth, and I do not believe you would get any seed that would go through the bolting cloth that would grow.

Representative HAUGEN. I have been combatting the quack grass and Canadian thistle, and I have no use for them.

Dr. HAYWOOD. I am with you there.

Representative HAUGEN. You have read this bill. Does this leave it to the discretion of the Secretary as to the regulation of the mixture and the shipment?

Dr. HAYWOOD. I do not think so; no, sir. There are a good many things I do not understand about the bill. I think it is very ambiguous in places.

Representative HAUGEN. Would not the language in sections 20 and 21 leave that to the discretion of the Secretary as to what screenings might be used and as to the use of these hulls?

Dr. HAYWOOD. Personally I do not think it does.

Representative LEE. How about the feeding value of black molasses? Some reference has been made to it.

Dr. HAYWOOD. It has quite a high carbohydrate feeding value.

Under the food and drugs act there is an item which says that feed is adulterated if it contains a deleterious ingredient which may render the same injurious to health. So if a feed contains enough of a seed that is sufficiently poisonous to hurt the cattle, I should think we could rule it out under the food and drugs act.

Mr. WARD. You have now ruled it out, have you?

Dr. HAYWOOD. Yes, sir; we have. We have ruled out some things that we knew to be poisonous. I can not remember the names of all of them.

The CHAIRMAN. Could you furnish a list of those things in connection with your statement?

Dr. HAYWOOD. I shall be very glad to do that.

Representative HAUGEN. To what extent has the Federal law referred to here been enforced?

Dr. HAYWOOD. The Federal law is being vigorously enforced—

Representative HAUGEN. I mean in reference to feeds.

Dr. HAYWOOD. It is being vigorously enforced. There is an organization here in the department which is at the head of it, and then the various branch laboratories of the Bureau of Chemistry throughout the country are engaged in the collection of cattle-feed samples and the examination of the same for the purpose of determining whether they are adulterated or misbranded under the act.

I would say that feeds have been more largely attended to than they should be as compared with foods and drugs, which are more important.

The CHAIRMAN. Do you know Mr. Brown, the secretary of the Manufacturers' Association?

Dr. HAYWOOD. Yes; I have known him for many years.

The CHAIRMAN. Do you know he was formerly connected with the New York State department of agriculture?

Dr. HAYWOOD. Yes, sir.

The CHAIRMAN. And had to do with the division that dealt with the fraudulent practices?

Dr. HAYWOOD. Yes, sir.

The CHAIRMAN. Did he not suppress a good deal of that while he was in that office?

Dr. HAYWOOD. Yes, sir.

The CHAIRMAN. I did not mean that he suppressed the use of it; but did he not suppress the analysis of the samples and cover up these practices so as to protect those people?

Dr. HAYWOOD. No, sir. I never heard of him doing any such thing, and I would not have believed it if I had.

The CHAIRMAN. Do you know why, after that service, he was transferred to the secretaryship of the Feed Manufacturers' Association, which he had been attempting to control?

Dr. HAYWOOD. No, sir; I do not.

Representative HAUGEN. To what extent does the department regulate the manufacture and sale of feeds at the present time? What is required of the manufacturers? Are they required to label them?

Dr. HAYWOOD. Under the food and drugs act, which applies to feeds just the same as it does to foods and drugs; every item in the food and drugs act that applies to feeds declaring them adulterated or misbranded applies also to feeds.

That act requires, among other things, that every statement on the label be true; that no statement that is false or misleading in any particular shall be made; that nothing shall be substituted for the article labeled; and nothing added to it which injuriously affects its quality or strength; that the article shall not be sold if it is partly or wholly composed of putrid materials; that the article shall be declared to be adulterated if it contains an injurious ingredient which renders it injurious to health.

Now, with that item in the food and drugs act, saying that everything on the label must be true, and the State feed laws, we have been able to control feeds quite well. I do not mean we have everything we want, but we have been able to control feeds quite well. There are some thirty odd States that have feed laws. Most of those States require that an analysis be given on the label of the feed sold in the State and that all the ingredients be given on the label of the feed sold in the State. Now, these feeds, practically all of them, or at least most of them, are shipped in interstate commerce.

Therefore if a feed is shipped in interstate commerce and goes to a certain State it has on it a statement of the analysis and of the ingredients. If this statement of the analysis is not true, or if the statement of the ingredients is not true, then the product is misbranded under the food and drugs act.

So, with the two together, we are able to control feeds—not entirely to our satisfaction, but very acceptably.

Representative HAUGEN. What State laws require an analysis in the statement?

Dr. HAYWOOD. I should say between 30 and 40; it is nearer 40.

Representative HAUGEN. Is there any objection to that?

Representative CANDLER. Somebody has suggested that the number is 42.

Dr. HAYWOOD. Yes; I believe it is in the neighborhood of 42.

Mr. ABBOTT. Our records show that it is 42.

Mr. WARD. When you spoke of being satisfactory, satisfactory to whom did you mean—to the feed manufacturers, to your department, or to the dairymen?

The CHAIRMAN. I should like to suggest to those present that if they will wait until the members of the conference committee interrogate the witness, it will be in the interest of order.

Senator KENYON. I thought of asking that same question that the gentleman has just propounded: Satisfactory to whom?

Dr. HAYWOOD. My answer to that question is that I can not speak for the whole Department of Agriculture. I do not know the views of the Secretary on this matter. I have not heard what his views are relative to this matter. I can only say as a man who has aided in the enforcement of the food and drugs act since it went into effect, so far as it applies to feeds, that with the food and drugs act as it is and with the State laws as they are, we have been able to control feeds quite acceptably, but not entirely satisfactorily; there are some things that still ought to be controlled that we can not control.

Representative LEVER. What, for instance?

Dr. HAYWOOD. Well, I think there ought to be an item actually ruling out things that are of no feeding value. I would say that if sand, or if soil, or if sphagnum moss, or peat, or rice hulls, or sawdust were in a feed—they should certainly be ruled out.

Representative LEVER. Can you not rule them out now?

Dr. HAYWOOD. There is some little doubt about it, Mr. Lever; I believe we can.

Representative LEVER. All you have got to do is to publish the name of the firm doing that, and you will rule them out quicker than lightning.

Dr. HAYWOOD. In the case of sand, we have cases against people putting sand in their feeds. We had one case, if I remember correctly, of a man putting sawdust in his feed. We have had no cases of sphagnum moss or of peat, because we have not the basis on which we can absolutely declare that those have no feeding value, although it is my opinion that they have no feeding value.

Representative HAUGEN. The peat has been ruled out somewhere; I do not know whether by the Department of Agriculture or by a State. I know a firm that has been proceeded against for doing that.

Dr. HAYWOOD. We have never had a case on peat, so far as I remember. And, as I say, that is only because we have not the information before us that we could put in court that peat is absolutely without feeding value.

Representative LEVER. Do you mean to say that you can not rule out sawdust under your present law?

Dr. HAYWOOD. Yes; we can.

Representative LEVER. And you can rule out sand under the present law?

Dr. HAYWOOD. Yes, sir.

Representative LEVER. You can rule out anything that is deleterious to health?

Dr. HAYWOOD. Anything that is deleterious to health.

Representative LEVER. Or that has no feeding value?

Dr. HAYWOOD. I believe we could rule out things without feeding value; but I believe it would make it plainer if it stated those actual things in the law.

Representative LEVER. That may be true.

Representative HAUGEN. Are you certain as to the ruling out of sawdust, or anything that has no feeding value? Does the law provide for that?

Dr. HAYWOOD. I feel pretty certain of that.

Representative LEVER. Let me ask you this: Have you ever done it?

Dr. HAYWOOD. There has only been one case that I ever ran across in my life where there was any sawdust.

Representative LEVER. And you ran that out of business?

Dr. HAYWOOD. Yes, sir.

Representative LEVER. I have been a little surprised at hearing you say that you had the machinery for doing this kind of work. Have you a force of men inspecting feeds throughout the country to ascertain if they are complying with the food and drugs act?

Dr. HAYWOOD. Yes, sir; the food and drugs act inspectors, among their other duties, are told to collect feed samples just as much as food and drugs samples.

Representative LEVER. So that if we were to amend the food and drugs act to give you just what you want, what amendment would you propose in general?

Dr. HAYWOOD. In general, I would ask so as to have it specific in our law that the analysis be given on the bag of the feed; I would ask that each and every ingredient be named upon the bag.

Senator SMITH of Georgia. And the proportion of each?

Dr. HAYWOOD. I would not ask that the proportion of each be given; no, sir; for reasons which I will give you later on if you wish. I would ask that certain things that I felt sure did not have a feeding value be ruled out, such things as I have spoken of before.

Representative LEVER. Would you fix a moisture content?

Dr. HAYWOOD. No, sir. Personally, that is as far as I would go. But I can not speak for the Department of Agriculture there. The Secretary might feel that there should be some control over things of low feeding value. Personally, I feel that things of low feed value should not be thrown away, because I think it is bad economy, but I am only presenting my personal opinion now..

Representative LEVER. Would you have this proposed amendment to the act make definitions for various feeds, what is a proper feed and what is an improper feed, and so on, as definitions are given in the pure food act?

Dr. HAYWOOD. Will you please give an example?

Representative LEVER. For instance, we had a discussion here, between Senator Smith and the chairman of the Senate committee, about definitions—

Dr. HAYWOOD (interposing). I believe without definitions you could not enforce the act.

Representative LEVER. You would have to have a basis on which to determine your action?

Dr. HAYWOOD. We would have to have a basis; and there is not any fixed standard or definition for commercial feed at the present time; you would have to work that out.

Representative LEVER. Would it be practicable to work out machinery by which you could have the contents of a carload lot shown—show the ingredients in it: So much cotton seed; so much chaff; so much dirt; so much sawdust, etc.?

Dr. HAYWOOD. The name and percentage of each ingredient?

Representative LEVER. Yes; and, of course, it would have to go on the bill of lading?

Dr. HAYWOOD. I do not think it would be practicable for a man to have to tell the name and percentage of the amount of each and every ingredient in it. I think it would be perfectly practicable for him to have to tell the name of the ingredients, but as to the percentage of the amount, I doubt it.

Representative LEVER. Would you not require him, as most of the State laws do require him, to give the percentage of protein?

Dr. HAYWOOD. I would require him to give the percentage of protein, the fat, and the crude fiber. Those are the three main things.

Representative LEVER. Would you require him to give the percentages of those?

Dr. HAYWOOD. The actual percentage, because that could be determined, and the manufacturer can keep to that. But if he does

give the actual percentage, and his list consists of 8 or 10 ingredients, these ingredients vary in composition from time to time; one day he is using screenings with 16 per cent of protein in it, the next day he is using screenings with 7 per cent of protein.

Now, in order to keep to his protein figure that he has to put on his label, one day he would have to use more cottonseed meal to bring up his protein figure to what he states on his label, and less, we will say, of screenings. The next day his screenings being higher, he does not have to use so much cottonseed meal.

Therefore, a manufacturer would constantly have to vary his proportions according to the things he is working with.

Therefore I do not think it is feasible to ask him to give the percentage amount of each one of these ingredients.

And, further than that, if he did give the percentage amount I think that the chemists and the microscopists could not tell afterwards, when he says, "I have 15 per cent of oat hulls in here," or, "I have 15 per cent of cottonseed hulls in here"—we could not tell whether that man was correct in his statements or not, because our science has not advanced to that extent.

The CHAIRMAN. May I usggest that we can have Dr. Haywood before us at any time; and there are several gentlemen here who have come quite a distance. I wonder if we could not abbreviate this hearing just a little by hearing those gentlemen now?

Dr. Haywood has given quite an elaborate answer, and I do not mean to cut off Members of the House in their questions now.

Representative LEVER. We can question Dr. Haywood later.

The CHAIRMAN. Yes. Are there any other Members of the House, or of this committee, who desire to ask Dr. Haywood any questions now?

Mr. ABBOTT. Mr. Chairman, if it meets with your approval, we would like to have you consider at this time further testimony from the feed manufacturers.

The CHAIRMAN. Just a moment. I was asking if any Senator or Member of the House desired to ask any further questions of Dr. Haywood at this time? If not, I believe Judge Ward wanted to ask him a few questions.

Mr. WARD. With the permission of the chairman, I will ask you, Dr. Haywood, have you made any investigation of the sulphuric seep water from the gluten factories?

Dr. HAYWOOD. I have not made any study of the actual amount of water, but this is what I think you mean: During the manufacture of starch and glucose from corn the corn has to soak in a sulphurous acid solution, if I am not mistaken, and that takes out quite a little of the food constituents from the corn, and later on that is evaporated to a sirupy consistency and added to the bran of the corn and the fine cornstarch particles that have been separated from the corn, and also the germ of the corn—that is, added to it again—and the whole thing is sold as a feed.

Mr. WARD. As a feed. Now, are you familiar with the effect of sulphur treatment on the protein?

Dr. HAYWOOD. No, sir; I can not say that I am.

Mr. WARD. I understand that your department has put out a bulletin that that sulphuric seep water is unavailable in the grain as a

tissue-feeding factor; that is, that it has not any food value, although it has a high protein content?

Dr. HAYWOOD. I could not answer that question.

Mr. WARD. I get that from one of the bulletins of your department.

Representative LEVER. That would come under the Bureau of Chemistry, would it not?

Dr. HAYWOOD. I am connected with the Bureau of Chemistry, but I think the Bureau of Animal Industry could answer that question better than I can. Dr. Alsberg himself could give a good answer to that question, because he has studied that subject.

Mr. WARD. The natural effect of the sulphur on the protein would be to destroy the food value of the protein, would it not?

Dr. HAYWOOD. I could not say that is true; no, sir.

Mr. WARD. That is all.

The CHAIRMAN. I understood you to say a few moments ago that you could stop the use of sawdust and sand and that you had brought some suits against the use of sawdust. Do you bring suits against persons who offend under your rules?

Dr. HAYWOOD. Yes, sir.

The CHAIRMAN. Now, you have to rule these things out, do you not?

Dr. HAYWOOD. No, sir; we do not have to rule them out. If we find something that has no food value, like sawdust and sand, the department lets the man know, by a citation, that he is breaking the law; and if he violates the law we put the case in the hands of our solicitor; he puts it in the hands of the Department of Justice and the Department of Justice puts it in the hands of the United States District Attorney in the district from which shipment was made.

The CHAIRMAN. Then you go to court with the case?

Dr. HAYWOOD. Yes, sir.

The CHAIRMAN. How long since you have been to court with one of these cases?

Dr. HAYWOOD. With any of these feed cases?

The CHAIRMAN. Yes.

Dr. HAYWOOD. Personally, I have not been in court for several years, but men under me, other men in the Bureau of Chemistry, I suppose I could say that they are constantly going into court.

The CHAIRMAN. Could you furnish the committee a list of some of the suits brought in the last four or five years?

Dr. HAYWOOD. Yes, sir.

The CHAIRMAN. I wish you would do so.

(The list referred to was subsequently submitted by Dr. Haywood, and is here printed in full, as follows:)

The CHAIRMAN. You are reported, Dr. Haywood, on page 60 of "Flour and Feed" for December, 1913, as saying to the manufacturers that it was no longer necessary to go into court for these offenses.

Dr. HAYWOOD. Will you please read exactly what I said—because it has been a long time since I said that?

The CHAIRMAN. The Clerk will read the article in question.

(The Clerk thereupon read the article referred to, as follows:)

Dr. Haywood, of the United States Department of Agriculture, assured the meeting that it was no longer necessary to go to court to settle differences.

Dr. HAYWOOD. I never made such a remark as that. I have said before the Feed Manufacturers Association that the cooperation that was taking place between the feed manufacturers and the feed-control officials was such that the number of cases against them ought to be greatly reduced from what it was in the beginning, because they were doing much better than they used to do.

The CHAIRMAN. When you said awhile ago that the law was acceptable, did you mean acceptable to the feed manufacturers?

Dr. HAYWOOD. No; it is the feed-control officials that I am talking about. I do not know what the feed-control manufacturers feel.

The CHAIRMAN. I will have the Clerk read you another extract from "Flour and Feed."

(The Clerk thereupon read the following extract:)

Dr. Haywood, of the United States Department of Agriculture, sitting with the feed manufacturers, moved the adoption of the phrase "Corn gluten feed" to cover the stuff known as "cornstarch by-products with corn bran," urging that the word "refuse" be dropped in describing the chaff, empty hulls, immature oats, and dust.

Dr. HAYWOOD. I would like to look at that article.

Senator KENYON. Was this a speech that you made at a banquet? (Laughter.)

Dr. HAYWOOD. I know that those speeches are not always quoted correctly.

The CHAIRMAN. That was before Washington went dry. (Laughter.) But this does not seem to be a speech at all; it seems to be a motion.

Representative CANDLER. That seems to be a motion submitted by you.

Dr. HAYWOOD (examining paper). I should say this: My opinion is that the words "refuse" and "offal" are not as good as the phrase "by-product." I think "by-product" is the better word to describe it.

The CHAIRMAN. Better than "refuse"?

Dr. HAYWOOD. I think "by-products" is usually a better term to describe the by-products of the food industry than "refuse" or "offal" because "refuse" and "offal" give the idea to the mind of the general public of not having any feed value at all I think.

Mr. WARD. Mr. Chairman, may I ask one more question?

The CHAIRMAN. Yes; certainly.

Mr. WARD. I show you this label, Dr. Haywood, which contains the term "corn gluten feed." Now, that is the same feed that you gave the definition for, composed largely of refuse?

Dr. HAYWOOD. Well, corn gluten feed—

Mr. WARD (interposing). Just answer this question: Is that term "corn gluten feed" the same term referred to at this meeting in your resolution—that that definition be used in the place of "refuse" and "offal"?

Dr. HAYWOOD. I think it is.

Mr. WARD. And consisted of oat hulls, corn hulls, and such other articles as that resolution named?

Dr. HAYWOOD. And corn proteids—which give it quite a high feeding value. Corn gluten consists of corn hulls, some cornstarch, corn proteids, and usually solubles.

Representative LEVER. May I inquire who the gentleman is who asked the last question?

The CHAIRMAN. That is Judge Ward, from New York, who has been assisting the State department of agriculture to eradicate the shipment and use of fraudulent feed.

Representative LEVER. Mr. Chairman, I should like to make this suggestion: It seems to me that our whole proceeding in this matter this morning has been backward. Why should we not hear the witness for the prosecution, so that the House Members of the Conference Committee, at least, may know just exactly what is the situation? We see the amendment in the bill, of course; but we know of no charges being made, except the charges that have been read here, and we are at a loss to know how to cross-examine these witnesses—certainly I am.

It seems to me that the case of the Government in this matter ought to be uncovered, so that we can all see where we are. We are all trying to arrive at the best conclusion possible, of course.

The CHAIRMAN. Well, of course, the Senate has passed this amendment.

Representative LEVER. Yes; it has passed the Senate.

The CHAIRMAN. And I had supposed that those who were attacking the amendment were representing the prosecution.

Representative LEVER. My own theory is that the House conferees will be in much better position to get information, both from the one side and from the other, if they know just what is the genuine purpose of this proposition, and what abuses have existed in the trade.

The CHAIRMAN. Yes.

Representative LEVER. Now, I looked at this amendment for the first time when the bill came over to the House from the Senate. We have been given an example here this morning of a certain amount of water being used in certain concentrated feeds. I would like to hear some more examples of abuses, so that we will know just where we are. Do you not think so, Senator Kenyon?

Senator KENYON. I should not think so. I should think that when an amendment was passed by the Senate, and we were having a conference on the amendment, we ought to hear the objections first. I do not know anything about the amendment, of course.

Representative LEVER. But how can that be, without our knowing just what abuses there are in the trade—and we can get that information very well from the trade?

The CHAIRMAN. You do not appear for the prosecution, you see.

Representative LEVER. Of course not, but we appear here to act in fairness and justness, having in view the whole situation.

The CHAIRMAN. And those who are attacking the amendment and asking you to reject it ought to tell you why.

Representative LEVER. Well, I confess, as far as the conference has gone this morning, I have heard no example of abuse.

Representative HAUGEN. We have heard the other side.

Representative LEVER. Yes; we have been hearing the other side. Would you not like to hear those who favor the amendment?

Representative HAUGEN. I think it is simply a question of which side shall be heard first. I think we ought to accommodate those who come from a distance.

The CHAIRMAN. Yes; I think so; I shall be very glad to accommodate them as far as we can.

Representative LEVER. What do you think, Mr. Candler?

Representative CANDLER. It seems to me that we are proceeding backward. When we hear the reasons for the amendment we can better hear the objections to it.

Representative LEVER. I agree with you as to that.

Representative HAUGEN. Is it not possible for the representatives of the two sides to reach an agreement as to how they shall proceed?

The CHAIRMAN. We will take a recess until 2.30 o'clock this afternoon.

(Thereupon, at 12.35 p. m., the conference committee took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

The conference committee reassembled at 2.30 o'clock p. m., pursuant to a recess taken.

The CHAIRMAN. Mr. Miller, is the party whom you wish to have heard present?

Representative MILLER. Yes, sir; Mr. Jenks is present, but I think it would be well if Mr. Abbott was allowed to continue.

The CHAIRMAN. I thought he had finished. Mr. Abbott, did you wish to say anything further?

STATEMENT OF MR. HAROLD A. ABBOTT—Resumed.

Mr. ABBOTT. Yes, sir; if it is agreeable to you, I would have these gentlemen brought in in due course.

In reference to the hearing, Mr. Chairman, we understand that their position is that the agriculturists and experiment station men from New England who have had much to do with the feeding-stock laws of those States and of practical dairymen and breeders, some of them would like to get away this evening, and before putting on further testimony from our side of the case I would like Mr. Chapin to be heard; but I would first ask if these other gentlemen could not be given an opportunity to make a statement.

The CHAIRMAN. Well, of course, we will have somebody representing the dairymen testify before the committee.

Mr. ABBOTT. These gentlemen are not connected with us in any respect whatever.

The CHAIRMAN. Yes; I understand.

Mr. ABBOTT. But I think their statement would be interesting.

The CHAIRMAN. Of course, if they speak for the dairymen, we will be glad to hear from them; and I would like to have you ask them to present different phases of the question so as not to pile up on a certain point. Your statement, for instance, exhausted certain points this morning; there is no use to keep on discussing those points, for example. I wish you gentlemen would bear that in mind, and we will try to speed the hearing up. I hope the gentlemen will limit their remarks to a few minutes each.

Mr. ABBOTT. I dare say the gentlemen in question have all heard your comments on this matter, Mr. Chairman, and will undoubtedly

govern themselves accordingly—Prof. Smith, Prof. Story, Mr. Heppeler, and Mr. Hicks.

Representative LEVER. Mr. Chairman, I would like to insist that I should like to know what the proposition involved here is, from the other side of it.

The CHAIRMAN. That is my plan, and what Representative Miller has requested.

Representative LEVER. I am perfectly willing for Mr. Miller's statement to be heard for a few minutes, but it does seem to me that we ought to know what we are driving at on this whole proposition.

Representative MILLER. Then, if there is no objection, Mr. Jenks might be heard briefly, and then the other parties can present their statements.

The CHAIRMAN. We will be very glad to hear Mr. Jenks now.

Representative MILLER. All right. Mr. Jenks, will you make your statement?

The CHAIRMAN. Will you state your name, residence, and business connections?

STATEMENT OF MR. M. L. JENKS, PRESIDENT DULUTH BOARD OF TRADE, DULUTH, MINN.

MR. JENKS. My name is M. L. Jenks, of Duluth, Minn. I am president of the Duluth Board of Trade.

We object to the amendment as proposed, as we believe it will be very injurious to the grain trade, and especially to the farmers of the Northwest. At present they are being paid to quite an extent for the amount of screenings that are contained in the grain.

For instance, on wheat they are paid at the rate of one-fourth of 1 cent a bushel on each 1 per cent over 5 per cent of dockage in the wheat. This dockage is determined by the Minnesota Warehouse and Railroad Commission.

On flax they are paid one-fourth of a cent per bushel on all dockage over 9 per cent. This is in accordance with an agreement to facilitate business between the buyer and the seller.

On barley, it is a matter of adjustment on price. The value is determined according to the amount of dockage on the barley, which is not specified by the inspector.

We feel that our market for screenings will be narrowed down to the stock feed people alone, instead of having it, as now, the market of stock food manufacturers.

I do not know that there is anything more that I want to say, Mr. Chairman.

Representative MILLER. Mr. Chairman, it may be somewhat informal, but is there any objection to my asking Mr. Jenks a few questions?

The CHAIRMAN. No.

Representative MILLER. I think it would be advisable if you would state to the committee, Mr. Jenks, the exact business your concern is carrying on—not the Duluth Board of Trade, but your own concern—and the relationship you bear to the farmers who are actually producing the grain of the Northwest.

MR. JENKS. My concern is represented in different markets—Kansas City, Omaha, Chicago, Milwaukee, Minneapolis, Duluth, New

York, and Boston. In Kansas City, Omaha, Chicago, Milwaukee, and Minneapolis, it is a commission business, to a large extent, selling grain on commission consigned to them by farmers and farmers' organizations. At Duluth, at which place I am the manager, we do strictly an elevator business.

In Iowa and Nebraska we have something like two hundred country houses. In our New York office, when it was profitable, we did an export business.

Representative MILLER. As I understand from you, the screenings, so-called, are considered a commercial by-product, and compensation for them is given to the farmers or the producers of the grain. Is that correct?

Mr. JENKS. Yes, sir; and they are paid to a very large extent on all the value beyond the cost of removing the screenings from the grain.

Representative MILLER. Does that apply to all of that material called screenings?

Mr. JENKS. Yes, sir.

Representative MILLER. Have you any market for those screenings aside from the feed manufacturers?

Mr. JENKS. And stock feeders.

Representative MILLER. That is all, Mr. Chairman.

The CHAIRMAN. Your objection, Mr. Jenks, seems to go principally to screenings. There are good screenings and bad screenings?

Mr. JENKS. I did not quite understand your question.

The CHAIRMAN. I say your objection seems to refer particularly to screenings, to including screenings in this amendment. Now, there are good screenings and bad screenings, are there not?

Mr. JENKS. Yes, sir.

The CHAIRMAN. Now, good screenings do not detract materially from the feed with which they are mixed, do they?

Mr. JENKS. Except in this case, as I understand it, our market would be confined entirely to the stock feeders, and would not apply to the stock feed manufacturers.

The CHAIRMAN. Well, I do not understand it so, Mr. Jenks. You notice a certain sentence of the amendment will permit the mixing of good screenings with the feed. That is what I want to call your attention to.

Now, there are commodities enumerated to-day that you think ought to be excluded from the feed, are there?

Mr. JENKS. Anything that is injurious certainly should be excluded.

The CHAIRMAN. Well, do you not think there are some things enumerated in the amendment that would not be really merchantable feedstuffs?

Mr. JENKS. I think so.

The CHAIRMAN. Do you not think we ought to divide the good from the bad and work it out on that basis.

Mr. JENKS. That would be satisfactory to us.

The CHAIRMAN. That is all.

Mr. WARD. At what prices do you sell these screenings to feed manufacturers?

Mr. JENKS. It depends entirely on the market; at different times there are different prices.

Mr. WARD. Well, will you illustrate by giving the lowest and the highest.

Mr. JENKS. I should think about \$2 a ton is the lowest I remember in the last 10 years; from that up to \$40 a ton.

Mr. WARD. What is the present price?

Mr. JENKS. Around \$20 or \$25.

Mr. WARD. And you pay the farmer one cent a bushel over a certain price?

Mr. JENKS. We pay the farmer a quarter of a cent a bushel on each 1 per cent over 5 per cent of wheat. If it was 9 per cent at their end, we would pay them one cent a bushel premium over their regular price.

The CHAIRMAN. I suggest that at this point we have Dr. Jordan give us a definition and description of these things. Please state for the record your name, your post-office address, and your present official connection.

STATEMENT OF DR. WHITMAN H. JORDAN, GENEVA, N. Y., DIRECTOR NEW YORK AGRICULTURAL EXPERIMENT STATION.

Dr. JORDAN. My name is Whitman H. Jordan, Geneva, N. Y. I am director of the New York Agricultural Experiment Station.

The CHAIRMAN. Dr. Jordan, I would like to hear you comment on concentrated feed and roughage and compound feed, and particularly I want you to discuss the tendency as to whether the mixture of adulterants is increasing or decreasing.

Dr. JORDAN. Permit me to say, as showing the extent of observation which I have had, that our institution has examined something over 10,000 samples of feeds since 1899.

At first we simply required a guaranteed chemical analysis. It was discovered that that did not meet the situation. Then, in order to secure more or less control over the inferior ingredients, which as a rule contain a large percentage of fiber, we required a statement of the maximum percentage of fiber. I refer to crude fiber, which is illustrated by cotton or the chief constituent of wood.

That was not all we desired. We next required a statement of the ingredients—the kinds, not the quantities.

Now, as to the tendencies, I can make some statements based upon the facts as to the developments in the sale of compounded feeds; and I might suggest right here that I think if you were to change the word "concentrated" in that proposed amendment to "compounded" it would more nearly meet the situation.

The CHAIRMAN. And that would mean what, then?

Dr. JORDAN. That would mean feeds that are made up by mixing several kinds together—two or more kinds.

The CHAIRMAN. What do you mean by a standard feed?

Dr. JORDAN. That is a term that I have been personally using. I mean by it feeds that have a fairly definite composition and digestibility, which may be illustrated by cottonseed meal, linseed meal, hominy feed, brewers' grains, malt sprouts, and feeds of that type—the offals from wheat, etc.

The CHAIRMAN. That run straight?

Dr. JORDAN. That run straight. In the figures which I shall give you I should like to have that definition of standard feeds apply.

In 1902 we examined 118 brands; 64 of those were standard and 54 compounded. In 1906 we examined 295 brands, and 153 were standard, according to the definition I have given, and 142 compounded.

The CHAIRMAN. Did you make an examination in 1902 or 1906 as to the kinds of feeds that had inferior materials in them?

Dr. JORDON. No, sir; I can not give you any information for those years, because we did not make any examinations in a definite way until 1909.

The CHAIRMAN. I see.

Dr. JORDON. But in 1909 we examined 368 brands, and 195 were standard and 173 compounded. You will notice a tendency to increase of the compounded feeds. In that year every molasses feed contained oat hulls or screenings, and 34 out of the 49 feeds which were apparently cereal grains, like corn and oats, contained some adulterant.

In 1912, out of 480 samples, 172 were standard and 318 compounded; and 41 per cent of the compounded contained what we would class as inferior ingredients; I would not use the term "worthless," but "inferior."

I had time lately to go over 568 brands that have been collected since we reported; I could not go over the 1,200 or more. But out of those 568 there were 215 standard and 353 compounded; and out of the compounded, 59.7 per cent contained inferior ingredients.

That shows the tendency in the way of the increase of compounded feeds.

Now, if I may be permitted, I should like to make some observations; Mr. Chairman.

The CHAIRMAN. Yes; certainly.

Dr. JORDON. I think there is a fundamental question in here: That every purchaser or consumer is entitled to know what he purchases; and I think our New York law, which requires the chemical composition, the maximum percentage of fiber and a statement of the kinds of ingredients, is a help.

But, if there is no fair and reasonable way of so regulating the sale of these materials so that the purchaser shall know the amounts he buys would you think that fair in your dealing if you were buying a mixture of copper and gold? Whether that can be done is the question.

The sale of these inferior ingredients is not a new thing; it has been going on since—well, we enacted our law in 1899, and it had been going on for quite a while then. But it has increased.

I would like to make some comments also on this question of the basis of value of feeding stuffs.

Our friends, the manufacturers—and I certainly do not want to say anything that does them any injustice—tell us that these things are not worthless, but have value. That is true of screenings and oat hulls, because both screenings and oat hulls contain a certain amount of material that is of fair nutritive value.

But values for the farmer rest, not upon commercial values, but upon nutritive efficiency. It is what the material is worth to the animal as a source of nutrition. Now, the inferior thing about most of these materials is that their percentage of digestibility is very low.

To illustrate: peanut shells—and we have found some of those

this year—have a digestibility of less than 15 per cent of the total dry matter; and it is only the digestible material that serves the animal. And peanut feed, 25.6 per cent; oat feed, when it is mostly hulls—and oat feed varies—31 per cent; corncobs, 43.3 per cent.

I ought to say that the use of corn cobs has diminished greatly since our friends in Kentucky ceased to send us wheat bran mixed with ground corn cobs. I could mention the names of some dealers who manufactured this mixture, and some of the gentlemen present would recognize them. We are not finding those much now.

But the chief things used to-day of a somewhat inferior character as shown by our examinations are oat hulls and screenings. Our objection to the use of screenings without its being thoroughly understood as to the amount the farmer is buying is this: They are a variable thing; the screenings of one year are not the same as the screenings of another year; there are more weed seeds some years and less other years; more refuse and grit some years and less other years; and I wish, for the sake of the trade as well as for the sake of the consumer, that a farmer could know whether he was buying 10 per cent of screenings or 15 per cent or 20 per cent. And if that can be accomplished, I think the object of these hearings and this proposed legislation will be accomplished.

Mr. ABBOTT. Mr. Chairman, may I ask Dr. Jordan a question?

The CHAIRMAN. I want to ask this question first: About concentrated feed and roughage, does not the trade take some notice of the difference between concentrated feeds and roughage? I suppose the definition is not really generic.

Dr. JORDAN. Well, that is a matter somewhat in discussion. The term "concentrates" and the term "roughage" originated with Prof. Henry, of Wisconsin, in his first book; and as he understood it, concentrates referred to materials that have concentrated nutrition, and, broadly speaking, the grains and certain of the by-products from the grains; roughage referred to hays and cornstalks, straw, and materials of that kind.

The CHAIRMAN. As a rule, good farming would furnish the roughage on the farm, would it not, or in the vicinity of the farm?

Dr. JORDAN. Many farmers waste enough roughage to cover all of the inferior materials they buy in feeding stuffs.

The CHAIRMAN. And some of the ingredients enumerated in this amendment would be classified as roughage, would they not?

Dr. JORDAN. I should classify oat hulls as roughage—that is, of the same class nutritively.

The CHAIRMAN. That is, some of the articles enumerated in that section of the bill would hardly be worth the freight, would they?

Dr. JORDAN. That would be my judgment. Take peanut shells, for instance. I knew of a case of a carload of peanut shells standing on a sidetrack in the city of Buffalo, and they were used.

Now, it is not that all of the feed manufacturers do these things; but enough of them do these things to attract our attention occasionally; and I suspect that our legislation is aimed at these abuses.

Representative LEVER. How will the nutritive value of peanut hulls compare with ordinary fodder?

Dr. JORDAN. It is very much less.

Representative LEVER. How much less?

Dr. JORDAN. If you were to judge by the digestibility—I have the figures somewhere here.

Representative LEVER. Well, I mean roughly speaking.

Dr. JORDAN. Only about 15 per cent of peanut shells is digestible; a fairly good mixed hay would have a digestibility of between 50 and 60 per cent.

Representative LEVER. That is the fodder pulled from the corn-stalk, not the ordinary Timothy hay or clover; I mean the fodder pulled from cornstalks.

Dr. JORDAN. Well cured cornstalks would have practically as high a digestibility as good hay.

Representative LEVER. How about corncobs?

Dr. JORDAN. The average digestibility of corncobs is 43 per cent.

The CHAIRMAN. Would that be worth the freight?

Dr. JORDAN. Well, if I were feeding dairy cattle, I would not consider it so.

Representative LEVER. Let me ask you this question: All animals, bipeds and quadrupeds, need a certain amount of roughage, do they not?

Dr. JORDAN. Certainly.

Representative LEVER. If you feed a cow wholly on cottonseed meal, or peanut meal, for a week or 10 days, or several months, you would not have much of a cow left, probably, would you?

Dr. JORDAN. She would go to the fertilizer factory, probably, if so fed for months.

Representative LEVER. The proposition seems to arise that the farmers themselves should raise all the roughage they need; and I agree to that proposition.

Dr. JORDAN. That is true.

Representative LEVER. But there are lots of people who feed animals that are not farmers; men in the livery business, for instance. Would you advocate the proposition of not allowing the peanut hulls, or cottonseed hulls, screenings and the like, to be used in feeds?

Dr. JORDAN. I would advocate the proposition that if the city stableman wants to buy peanut hulls, let him do it, but let him know he is buying them.

Representative LEVER. What is your State law on the subject?

Dr. JORDAN. Our State law requires that all packages of feeding stuffs be labeled, with the name of the manufacturer or jobber; with the guaranteed chemical composition, and with the ingredients contained in the feed, if it is a compounded feed—or, indeed, if it is any feed—and the Commissioner of Agriculture is required to take samples. Those samples are sent to the experiment station for analysis; they are sent by number, by the way, so that we know nothing about the name of the brand. We make a report to the Commissioner of Agriculture, and the results are later published.

Representative LEVER. You have a way of protecting yourselves in this matter under your own law?

Dr. JORDAN. I do not feel that the law as it stands fully protects the farmer, because under the law the sale of these inferior materials has increased, without any question, and the proportion of inferior materials is not known.

Representative LEVER. Do you enforce your own law very strictly?

Dr. JORDAN. I think we do.

Representative LEVER. What have you to say about the enforcement of the Federal law, as described this morning by Dr. Haywood?

Dr. JORDAN. If the Federal Government were to depend upon the services of the chemists and microscopists in enforcing that law it would be a failure, because, whatever may be said, no living chemist or microscopist can pick those materials out after they are mixed. It is not a question of chemical composition; it is a question of physical separation. Of course, we can identify them by the starch grains and by the forms of tissues, and sometimes with the naked eye. But that is another matter from separating them and telling what percentage exists.

Representative LEVER. What would be the machinery that you would set up to do that?

Dr. JORDAN. That is a hard question to answer. I think this would accomplish it if it can be done: An inspection of the factories—by the Federal Government of those doing an interstate trade, and by the States of those which do only an intrastate trade; or it might be a combination of the two. I do not know that that is feasible.

Another thing that has come to my mind; I am not saying it is wise, and that is this: To require that these materials shall be sold separately for what they are.

Representative LEVER. In other words, you would not allow any mixture at all?

Dr. JORDAN. I would not allow those inferior things to be put in, unless some way can be arranged whereby the amount shall be known—the proportion.

Representative LEVER. After all, your conclusion is that this amendment is a pretty serious proposition, and we had better give it very serious thought, is it not?

Dr. JORDAN. I think so.

The CHAIRMAN. I would not state the witness's opinion for him, Mr. Lever. [Laughter.]

Representative LEVER. Well, Dr. Jordan, and I are old friends, and I am merely trying to get his viewpoint.

The CHAIRMAN. His mind seems to run with yours on that point.

Representative LEVER. What would be your concrete proposal to put in the bill, Dr. Jordan? Are you satisfied with this amendment as it is drawn?

Dr. JORDAN. No, sir.

Representative LEVER. You are not?

Dr. JORDAN. No, sir.

Representative LEVER. How would you amend it?

Dr. JORDAN. It seems to me—well, I would not pretend to draw this amendment standing on my feet.

The CHAIRMAN. I hope you will take the liberty of stating any amendments that may occur to you.

Dr. JORDAN. But I would like to comment on this language:

That it shall be unlawful, except as herein otherwise provided, for any person, firm, or corporation knowingly to ship, offer for shipment, or transport in commerce among the several States or for commerce with foreign countries any concentrated commercial feeding stuffs containing any damaged feed, mill, elevator, or other sweepings or dust, buckwheat hulls, cottonseed hulls, peanut hulls, peanut shells, rice hulls, oat hulls, corneobs ground, cocoa shells, clipped oat by-product, ground or unground hulls.

It seems to me that the term "ground or unground hulls" in there would more or less place a hardship upon the oil people. Then the provision goes on as follows: ~~if it is made from animal and vegetable oils to form~~

Screenings, chaff, or other cleanings derived from the preparation, cleaning, or milling of any seed or grain when separated from the standard product as an offal or by-product.

Now, the words, "when separated from the standard product as an offal or by-product" are likely to draw into the net materials that we do not intend to exclude. I may be loose in my interpretation of that, but there I would certainly make a change.

Then I think the law should define what concentrated feeds are. In the New York State law we name the things that are concentrated feed, so that when litigation occurs there is a very definite thing before the court.

The CHAIRMAN. Will you attach that to your statement?

Dr. JORDAN. The New York law?

The CHAIRMAN. Yes.

Dr. JORDAN. I have not one with me, but I will be very glad to send the committee a copy.

The CHAIRMAN. I wish you would do so.

(The material referred to was subsequently submitted by Dr. Jordan, and is here printed in full, as follows:)

STATE OF NEW YORK, DEPARTMENT OF AGRICULTURE, CHARLES S. WILSON, COMMISSIONER—CIRCULAR 142, PROVISIONS OF THE AGRICULTURAL LAW RELATING TO THE SALE AND ANALYSIS OF CONCENTRATED COMMERCIAL FEEDING STUFFS, 1916.

ARTICLE 7.—SALE AND ANALYSIS OF CONCENTRATED COMMERCIAL FEEDING STUFFS.

- SECTION 160. Term "concentrated commercial feeding stuffs" defined.
 161. Statements to be attached to packages; contents; analysis.
 162. Statements to be filed with commissioner of agriculture; to be accompanied by sample and affidavit when requested.
 163. License fee.
 164. Commissioner of agriculture to take samples for analysis; analysis to be made by director of experiment station.
 165. Sale of adulterated meal or ground grains.

SEC. 160. Term "concentrated commercial feeding stuffs" defined.—The term "concentrated commercial feeding stuffs," as used in this article, shall include linseed meals, cottonseed meals, pea meals, bean meals, peanut meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried distiller's grains, dried brewer's grains, malt sprouts, except as hereinafter provided, hominy feeds, cerealine feeds, rice meals, dried beet refuse, oat feeds, corn and oat chops, corn and cob meal, ground beef or fish scraps, meat meals, meat and bone meals mixed, dried blood, mixed feeds, clover meals, alfalfa feeds and meals, compounded feeds, condimental stock and poultry foods, proprietary or trade-marked stock and poultry foods, and all other materials of a similar nature; but shall not include hays and straws, the whole seeds nor the unmixed meals, made directly from the entire grains of wheat, rye, barley, oats, corn, buckwheat, and broom corn. Neither shall it include wheat, rye, and buckwheat brans or middlings, not mixed with other substances, but sold separately as distinct articles of commerce, nor pure grains ground together, nor corn meal and wheat bran mixed together, when sold as such by the manufacturer at retail, nor malt sprouts, when sold as such by the maltster at retail, nor wheat bran and middlings mixed together not mixed with any other substances and known in the trade as "mixed feed," nor ground or cracked bone not mixed with any other substance, nor shall it include poultry foods consisting of whole or whole and cracked grains mixed together, with or without grit, when all the ingredients may be identified by the naked eye. (As amended by chapter 135 of the laws of 1916.)

This act to take effect January 1, 1917.

SEC. 161. Statements to be attached to packages; contents; analysis.—No manufacturer, firm, association, corporation, or person shall sell, offer, or expose for sale or for distribution in this State, any concentrated commercial feeding stuffs used for feeding live stock unless such concentrated commercial feeding stuffs shall be accompanied by or shall have affixed to each and every package in a conspicuous place on the outside thereof, a plainly printed statement which shall certify as follows:

1. The net weight of the contents of the package, except in the case of malt sprouts sold in packages containing uneven weights.
2. The name, brand, or trade-mark.
3. The name and principal address of the manufacturer or person responsible for the placing of the commodity upon the market.
4. Its composition expressed in the following terms:
 - a. The minimum per cent of crude protein.
 - b. The minimum per cent of crude fat.
 - c. The minimum per cent of crude fiber, provided that the per cent of crude fiber may be omitted if it does not exceed 5 per cent.
 - d. If a compounded feed, the name of each ingredient contained therein.
 - e. If artificially colored, the name of the material used for such purpose.
 - f. In the case of meat products, the maximum per cent of phosphoric acid.

If any such concentrated commercial feeding stuffs be sold, offered, or exposed for sale in bulk, such printed statement shall accompany every car or lot. Any such feeding stuffs purchased in bulk and later sacked or bagged for purposes of sale shall have tags attached giving the information as provided herein before being sold, offered, or exposed for sale. Whenever any feeding stuffs are sold at retail in bulk or in packages belonging to the purchaser, the seller upon request of the purchaser shall furnish the said purchaser the information contained in the certified statement provided herein. That portion of the statement required by this section relating to the quality of feeding stuffs shall be known and recognized as the guaranteed analysis. (As amended by chapter 135 of the laws of 1916.)

This act to take effect January 1, 1917.

SEC. 162. Statements to be filed with commissioner of agriculture; to be accompanied by sample and affidavit when requested.—Before any manufacturer, firm, association, corporation, or person shall sell, offer or expose for sale in this State any concentrated commercial feeding stuffs he or they shall for each and every brand of concentrated commercial feeding stuff file annually prior to January 1 of the calendar year in which such commodity is to be sold, offered or exposed for sale with the commissioner of agriculture a certified copy of the statement, with the exception of the net weight of the contents of the package, specified in section 161, said certified copy to be accompanied, when the said commissioner shall so request, by a sealed glass jar or bottle containing at least 1 pound of the feeding stuff to be sold or offered for sale, and the company or person furnishing said sample shall thereupon make affidavit that said sample corresponds to the feeding stuff which it represents in the per centum of crude protein, crude fat, crude fiber, name of each ingredient contained therein, if a compounded feed, and the name of any artificial coloring material used. (As amended by chap. 314 of the Laws of 1911.)

SEC. 163. License fee.—Every manufacturer, importer, agent, or seller of any concentrated commercial feeding stuffs shall pay annually prior to January 1 of the calendar year in which such commodity is to be sold, offered, or exposed for sale to the treasurer of the State of New York a license fee of \$25 for each and every brand to be sold or offered or exposed for sale. Whenever a manufacturer, importer, agent, or seller of any concentrated commercial feeding stuffs desires at any time to sell such material and has not complied with the requirements of the statute he shall before selling, offering or exposing the same for sale, comply with the requirements as herein provided. Said treasurer shall in each case at once certify to the commissioner of agriculture the payment of such license fee. Each manufacturer, importer, or person who has complied with the provisions of this article shall be entitled to receive a certificate from the commissioner of agriculture setting forth said facts. Such certificate shall expire on the 31st day of December of the calendar year in which it was issued, but no such certificate shall be issued for the sale of a brand of concentrated commercial feeding stuff under a brand or trade name which is misleading or deceptive or which tends to mislead or deceive as to the constituents or materials of which it is composed. Any such certificate so issued may be cancelled by the commissioner of agriculture when it is shown

that any statement upon which it was issued is false or misleading. Whenever the manufacturer, importer, or shipper of concentrated commercial feeding stuffs shall have filed the statement required by section 161 of this article and paid the license fee as prescribed in this section, no agent or seller of such manufacturer, importer, or shipper shall be required to file such statement or pay such fee. (As amended by chap. 317 of the Laws of 1909.)

SEC. 164. *Commissioner of agriculture to take samples for analysis; analysis to be made by director of experiment station.*—The commissioner of agriculture shall at least once in each year transmit to the New York Agricultural Experiment Station for analysis at least one sample, to be taken in the manner herein-after prescribed, of the different concentrated commercial feeding stuffs sold or offered for sale under the provisions of this article. The said commissioner of agriculture or his duly authorized representative in taking samples shall take them in duplicate in the presence of at least one witness, and in the presence of such witness shall seal such samples and shall at the time of taking tender and if accepted deliver to the person apparently in charge one of such samples; the other sample the commissioner of agriculture shall cause to be analyzed. The director of said experiment station shall continue to analyze or cause to be analyzed such samples of concentrated commercial feeding stuffs taken under the provisions of this article as shall be submitted to him for that purpose by the commissioner of agriculture, and shall report such analyses to the commissioner of agriculture, and for this purpose the New York Agricultural Experiment Station may continue to employ chemists and incur such expenses as may be necessary to comply with the requirements of this article. The result of the analysis of the sample or samples so procured, together with such additional information as circumstances advise, shall be published in reports or bulletins from time to time.

SEC. 165. *Sale of adulterated meal or ground grains.*—No person shall adulterate any kind of meal or ground grain or other cattle food with milling or manufacturing offals, or any substance whatever, for the purpose of sale, unless the true composition, mixture, or adulteration thereof is plainly marked or indicated upon the package containing the same or in which it is offered for sale. No person shall sell or offer for sale any meal or ground grain or other cattle food which has been so adulterated unless the true composition, mixture, or adulteration is plainly marked or indicated upon the package containing the same, or in which it is offered for sale. (As amended by chap. 317 of the Laws of 1909.)

Representative LEVER. What further amendment do you propose to this section?

Dr. JORDAN. I have nothing further to suggest, so far as I have examined the law.

The CHAIRMAN. Under the provision in the second sentence, permitting the Secretary of Agriculture to authorize the interstate shipment of these feed stuffs where the foreign material did not detract from the value of the feed, would not that permit them to ship by-products or offal? I agree with you that those things having any substantial feeding value ought not to be excluded. But that second paragraph is a saving clause, so that no injury would result.

Dr. JORDAN. Well, of course, you would be placing upon the Secretary of Agriculture a very great responsibility as to what has nutritive value. He would need the services of a biological chemist and a man very expert in nutrition to determine that fact. And the variable nature of some of these inferior products may make it quite difficult for the Secretary to carry out that provision.

The CHAIRMAN. But it would not be difficult in the case of those that have high nutritive value.

Dr. JORDAN. No, sir.

The CHAIRMAN. So that if he erred it would be in the exclusion of stuff that had very low feeding value; it would not be in the exclusion of stuff with high feeding value.

Dr. JORDAN. I will call your attention to the fact that you practically give the Secretary of Agriculture legislative power.

The CHAIRMAN. Well, that has become the custom here. [Laughter.] We recognize that in the bill as it is drawn.

Dr. JORDAN. Well, of course, that is not my business.

Senator KENYON. This legislation, Dr. Jordan, as you understand it, is to prevent fraud upon the farmer in buying these compounded products, is it not?

Dr. JORDAN. May I change the phraseology and add: "And enable the farmer to know what he is buying."

Senator KENYON. To know what he is buying. If he does not know what he is buying and buys something that is injurious a fraud has been practiced upon him; so that it amounts to the same thing. Now, that kind of legislation you think is desirable?

Dr. JORDAN. Yes, sir; I do, to prevent fraud.

Senator KENYON. And the question in your mind is whether this amendment directly works that out?

Dr. JORDAN. Yes, sir.

Senator KENYON. In other words, if the farmer wants to buy peanut shells, or elephant's teeth for feeding material, it is up to him, but he should know it?

Dr. JORDAN. He should simply know it. And I doubt whether you could exactly call a compounded feed a fraud upon the farmer when the ingredients are named; not in the fullest sense.

Senator KENYON. Well, if he is paying for something that is useless it is a fraud, is it not?

Dr. JORDAN. But the feeds sold in New York are sold to the farmer—if he wishes to find out—with a full knowledge of the kinds of things the feed contains.

Senator KENYON. Regardless of whether that is an interstate shipment or not?

Dr. JORDAN. Yes, sir.

Senator KENYON. Why do you need an interstate law, then?

Dr. JORDAN. He does not know the amounts, but he knows the kinds. And we find very few violations of the law. The feeding-stuff trade has very fully stated the kinds of things that go into their feeding stuffs. Once in a while there is a slip; sometimes it might be intentional—

Senator KENYON (interposing). So in your State he can know the kinds but not the amounts?

Dr. JORDAN. Not the amounts.

Senator KENYON. Your law does not cover that?

Dr. JORDAN. Our law does not cover that.

Senator KENYON. If your law did cover that, you think the farmer would be amply protected, do you?

Dr. JORDAN. No, sir.

Senator KENYON. He would not be?

Dr. JORDAN. Unless they put inspectors in the mills; because if they should send a feed to the experiment station and should ask me and the chemists and microscopists to tell the proportions we would decline to do so, unless it happened to be a wheat bran, with corncobs, or something like that; but in the case of a molasses feed, for instance, it would be simply out of the question.

Senator KENYON. So that, if they placed on the package a label showing just exactly the amount and what it was, you think the farmer would know exactly what he was getting?

Dr. JORDAN. Yes, sir.

Senator KENYON. Why did not your law go that far?

Dr. JORDAN. Because we did not think it wise to put into the law and regulations something that we could not enforce.

Senator KENYON. If you can not enforce it in the State law, how could it be enforced under Federal law?

Dr. JORDAN. I said it could be enforced only by inspection in the mills.

The CHAIRMAN. And your State can not handle that, so far as interstate traffic is concerned?

Dr. JORDAN. It could in intrastate business, but not in interstate traffic.

Senator KENYON. That is all I have to ask.

The CHAIRMAN. Are you aware of the fact that the farmers have had some trouble in buying from the mills in New York at any time?

Dr. JORDAN. At the time of the so-called Wicks committee investigation in the State of New York there were certain facts developed which indicated to that committee—I do not pretend to judge the facts—that there was a combination in the feeding-stuff trade which prevented such sales, for instance, as a farmer buying from the manufacturer a carload of feed on a cash basis.

The CHAIRMAN. Well, are you familiar with the alleged fact that the Feed Dealers' Association of New York blacklisted mills that sold by-products direct to farmers?

Dr. JORDAN. I am not familiar with that fact.

The CHAIRMAN. And you are not familiar with the fact that that organization dissolved on account of a threatened prosecution, and then reorganized with the same officers and the same offices under another name?

Dr. JORDAN. I could not assert anything in regard to that, sir. I have troubles of my own.

Representative LEVER. When was this investigation that you speak of?

Dr. JORDAN. The Wicks committee investigation was in 1916.

Representative LEVER. Two years ago?

Dr. JORDAN. Yes; and they published a very full report, which could be had, I suppose, of the secretary of state of New York.

Representative HAUGEN. Your protection, then, is in the publicity given of the findings of your department?

Dr. JORDAN. Yes, sir; we send out about 45,000 copies of our feeding-stuff bulletins.

Representative HAUGEN. And that gives a list of the manufacturers and dealers, does it?

Dr. JORDAN. Yes, sir; and the names of the brands and the ingredients of the respective brands.

Representative HAUGEN. And that has given you considerable protection against the adulteration and the deception?

Dr. JORDAN. It has enabled the farmer to know the kind of thing he is buying. Many farmers pay no attention to it; many do pay attention.

The CHAIRMAN. The point that I wanted to bring out, but failed, is this: The effect of blacklisting mills to which I have referred was to force the farmers, through this dealers' association, to buy the compounded feeds rather than to purchase from the mills and mix the stuff themselves. I think I did not make that clear before.

Dr. JORDAN. I may say, Mr. Chairman, that the Dairymen's League instituted an effort to have the manufacturers of feeding stuffs sell to league members only brands made up entirely of what I would call standard feeds with no inferior material.

The CHAIRMAN. What league was that?

Dr. JORDAN. It was the Dairymen's League through its grain purchasing agency. And the grains were recommended by Prof. Savage, of Cornell, and the mixtures were also recommended by him.

The CHAIRMAN. That was on the theory that the feeds could be mixed without the use of those worthless materials, was it not?

Dr. JORDAN. Yes, sir; and some of the manufacturers are mixing feeds without a particle of inferior material. I told the committee that 41 per cent of the feeds examined in 1912 had inferior materials, and 59 per cent did not.

The CHAIRMAN. Yes.

Dr. JORDAN. And about 41 per cent of the 568 samples received this year and so far examined did not have any. I see men here in the committee room to-day who are mixing feeds which have no inferior ingredients in them.

The CHAIRMAN. So that that is a practicable thing?

Dr. JORDAN. That is a practicable thing.

Representative HAUGEN. I understood you to say, Dr. Jordan, that these hulls enumerated in the amendment have no feeding value?

Dr. JORDAN. I did not mean to say that.

Representative HAUGEN. I understood you to say that they were not worth the freight?

Dr. JORDAN. Why, as long as I had good wheat straw, I would not buy pure oat hulls; I would feed the straw.

Representative HAUGEN. You compare the feed value, then, with that of straw; they are of more value than straw, are they not?

Dr. JORDAN. Not when pure; that is as good a comparison as I could make.

Mr. CHAPIN. Mr. Chairman, may I ask Dr. Jordan a few questions?

The CHAIRMAN. What is your name, residence, and business connection?

Mr. CHAPIN. Robert W. Chapin, of Chicago.

Dr. JORDAN. I want to say, Mr. Chairman, that Mr. Chapin came down to New York in 1899 to defeat our efforts to have enacted a feeding-stuff law, and after he got there he turned around and helped us to get it through, and he has been helping me ever since.

The CHAIRMAN. Whom did he go there to represent?

Mr. CHAPIN. Myself only. There was no association of manufacturers in existence then. I was afraid the feeding-stuff law would be too rigorous; but I found that it was not.

The CHAIRMAN. It was a personal eccentricity of your own, then?

Mr. CHAPIN. Yes, sir; I was a small dealer in New York.

Dr. JORDAN. I think he paid his own expenses.

Mr. CHAPIN. May I ask you this question, Dr. Jordan: Since you passed your feeding-stuff law in 1899, has not the number of live stock, and consequently, the sale of feeds, greatly increased?

Dr. JORDAN. To answer that in a roundabout way, there has not been an increase in live stock at all proportionate to the increased sale of feeds.

Mr. CHAPIN. Of all kinds? Is it not very difficult for you to determine the total tonnage of feed stuffs sold?

Dr. JORDAN. Well, we do not know that; I ought to modify my answer: the number of brands sold has greatly increased.

Mr. CHAPIN. Would that not lead you to believe that the farmers buy these mixed feed stuffs because they find them to be all right?

Dr. JORDAN. It leads me to believe that the farmers have been buying them because they are a little cheaper than the standard brands.

Mr. CHAPIN. I might call your attention to the fact, in answering the question, that you know that we have had very little wheat mill feeds made in the last few months, and the country has been forced to go on a substitute basis.

Dr. JORDAN. Yes.

Mr. CHAPIN. And that means a large production of oatmeal, and a consequent large proportion of oat hulls. I estimate that there were 300,000 or 400,000 tons of oat hulls produced in the last year.

Dr. JORDAN. You have got me there; I do not know.

Mr. CHAPIN. What would you suggest that we do with those oat hulls?

Dr. JORDAN. Sell them for what they are.

Mr. CHAPIN. Does the farmer know how to buy them?

Dr. JORDAN. That is up to him.

Mr. CHAPIN. Does he know how to use them?

Dr. JORDAN. He knows how to use them as well as he does any roughage.

Mr. CHAPIN. It has been my experience that a dairy feed must be lightened up; and that the farmers could not get the stuff to do that without these mixed feed manufacturers.

Dr. JORDAN. I will have to differ with you there. If a dairy cow is eating straw and hay and silage, it may be fed concentrated feeds without any lightening—and I will take you to the experiment station farm, where they have been fed that way, with nothing to lighten the grain ratio.

Mr. CHAPIN. Well, Dr. Jordan, as you know, this immense production of oat feed has got to be disposed of somewhere?

Dr. JORDAN. Yes.

Mr. CHAPIN. And I think you will agree—as I took it from one of your textbooks—that oat hulls have approximately the same nutritive value as timothy hay?

Dr. JORDAN. Yes; as sold.

Mr. CHAPIN. Would you consider them worth as much?

Dr. JORDAN. Timothy hay has about the same digestibility as oat hulls; and timothy hay I consider has as low a nutritive value as any roughage.

Mr. CHAPIN. How about alfalfa? Is that not about identical with oat feed?

Dr. JORDAN. No; although alfalfa hay is somewhat overestimated; good clover hay is just as good.

Mr. CHAPIN. You are thinking of the net value in that respect?

Dr. JORDON. Yes.

Mr. CHAPIN. Would you consider the value of oat hulls anywhere near the value of timothy hay?

Dr. JORDAN. Approximately, if you mean this by-product as sold.

Mr. CHAPIN. Are you aware that in Chicago we are paying \$31 per ton for timothy hay, whereas the oat hulls are selling for a good deal less? Would you not think that oat hulls are cheap feed in that part of the country?

Dr. JORDAN. I will have to return, Mr. Chapin, to my basic proposition—and you must not try to get me away from it—that the farmer has a right to know what he is buying. If he wants to buy oat hulls, he has a right to buy them.

The CHAIRMAN. I would like to ask you about the milk production of New York, Dr. Jordan. Has the milk production from cows in New York increased in the last few years?

Dr. JORDAN. It probably has. But if we should say that that is due to the sale of inferior feeds, we would make a mistake. We have been trying to educate the dairymen of New York to better methods, through the college of agriculture, through the experiment stations, and through better breeding.

The CHAIRMAN. You think that accounts for the increased production, do you?

Dr. JORDAN. I think that accounts for the increased production, very largely.

Mr. CHAPIN. I want to ask you as a scientist—there has been so much talk about ivory-nut turnings; I suppose you have read the reports of the tests by the experts showing that ivory nut turnings had a high feeding value. Will you agree with me on that proposition?

Dr. JORDAN. I do.

Mr. CHAPIN. Then it is not an adulterant in any sense of the word?

Dr. JORDAN. No.

Mr. CHAPIN. Anything having the value of oats in total nutritive value, or total energy value, would not be an adulterant, would it?

Dr. JORDAN. That depends on how you define it. If ivory nut turnings were put in cottonseed meal, or were passed for cottonseed meal, I would call it an adulterant.

Mr. CHAPIN. So would I.

Dr. JORDAN. So that your question can not be answered in single terms.

Mr. CHAPIN. The point I want to make is that some of these feeds you would not consider worthless or of no value?

Dr. JORDAN. I have said so, explicitly.

Mr. CHAPIN. Have you ever found any sawdust in the feed in your State?

Dr. JORDAN. No.

Mr. CHAPIN. You have found peanut shells?

Dr. JORDAN. Yes.

Mr. CHAPIN. In what form?

Dr. JORDAN. Ground peanut shells.

Mr. CHAPIN. Was that in peanut meal?

Dr. JORDAN. No.

Mr. CHAPIN. I will ask you whether, about 10 years ago, before we had a pure food law, I asked you to help in getting a law passed, and you agreed with me—

Dr. JORDAN (interposing). We have even found the thin paper covering the coffee kernel in bran.

Mr. CHAPIN. That is a gross adulteration, is it not?

Dr. JORDAN. Yes.

Mr. CHAPIN. I think so; but I have never seen such an adulteration in commerce; and I believe the pure food law forbids it, does it not?

Dr. JORDAN. This was made in New Jersey. [Laughter.]

Mr. CHAPIN. Have you any objection in your own mind to the use of alfalfa meal in feeds?

Dr. JORDAN. I have no objection to the use of alfalfa meal by the farmer. Of course, my judgment is—some of you who know the financial side of the matter will disagree with me—that alfalfa meal is sold for more than it ought to be, when put into compound feeds. My judgment is that that is true in general, that the inferior materials finally come to bring a larger price than they should, when mixed with good materials. My mind is open on that question, but that is my present judgment.

Mr. CHAPIN. Taking some of these offals named in the amendment on a purely energy basis—we are dealing with calories, say—I will read a list of them, with the production of each:

The annual production in this country of oat feeds is 400,000 tons; the production of screenings is 300,000 tons; alfalfa meal, 300,000 to 400,000 tons; molasses, 300,000 tons; clipped oat by-product, 200 tons; cottonseed hulls, 968,000 tons. Those are the government figures. That makes a total of 2,468,000 tons of by-products.

Now, will you not agree with me that practically all of those materials have the same value as timothy hay, about 50 per cent of digestible nutrients—that is, the oat screenings and the alfalfa meal?

Dr. JORDAN. Those things have a value, and it ought to be conserved.

Mr. CHAPIN. And would not that 2,500,000 tons of this material represent in nutritive value approximately 1,000,000 tons of corn, just as a matter of calculation, and thereby save that amount of corn being used as feed?

Dr. JORDAN. Were you ever a lawyer?

Mr. CHAPIN. No; I am only a feed dealer. And would not that 1,000,000 tons of corn be worth \$50,000,000? Corn is worth \$50 a ton. And what should we do with all these by-products?

Dr. JORDAN. Sell them to those who will use them.

Mr. CHAPIN. Do you think we can get the farmer to buy them?

Dr. JORDAN. I do not know.

Mr. CHAPIN. They are buying these mixed feeds now; are they satisfied with them?

Dr. JORDAN. I do not know. But that does not justify selling them in the way in which they are sold.

Mr. CHAPIN. Well, do you believe that if we could not sell them to the farmer they would not come on the market, and we would have a consequent shortage of feedstuffs?

Dr. JORDAN. I believe, if you go into the economics of the situation, that the farmers of the State of New York can take care of the roughage question themselves.

The CHAIRMAN. Mr. Chapin, do you mean to say that you could not sell those things to farmers?

Mr. CHAPIN. Any more than I can sell the soles of shoes to farmers; they need the soles of shoes—

The CHAIRMAN (interposing). They will not buy those things?

Mr. CHAPIN. No; because they are not chemists; they have not read Dr. Jordan's textbook.

The CHAIRMAN. Do you know anything about the organization of the New York Feed Dealers' Association?

Mr. CHAPIN. I do not know anything about it.

The CHAIRMAN. If the farmers could buy that; if the farmers should buy those things themselves, they could not mix them?

Mr. CHAPIN. They do buy it—from me. I sold three carloads at the State fair last week, and some of them bought feeds containing oat hulls; I made very little out of it; but I gave them just what they wanted—hominy feed and other feed lightened up with oat hulls—and they said it was the finest they ever had. One of them was Paul T. Brady, who has the finest sort of cows.

The CHAIRMAN. What sort did you give him?

Mr. CHAPIN. Oat hulls from oat feed.

The CHAIRMAN. Where did you get it?

Mr. CHAPIN. From the oat mills.

The CHAIRMAN. Where?

Mr. CHAPIN. In the West; various centers.

The CHAIRMAN. Do you have them shipped from the West to New York?

Mr. CHAPIN. No; I live in Chicago; my plant is in Hammond, Ind.

The CHAIRMAN. I thought it was in New York. You do not handle hulls in New York, do you?

Mr. CHAPIN. I sell a large amount of feeds in New York.

The CHAIRMAN. I mean, you do not buy them there?

Mr. CHAPIN. No; the movement is from the West to the East.

The CHAIRMAN. I see.

Mr. CHAPIN. I was going to ask Dr. Jordan what the farmers do, with the lack of labor and the lack of materials? Would you say that every feed dealer should carry on hand 30 carloads, which is the Government minimum? Each car is worth \$2,000 a carload. Can every feed dealer carry \$20,000 or \$30,000 worth of various feeds in stock, so as to supply the man who wants to do his own mixing?

Dr. JORDAN. I do not see what that has to do with the inferior ingredients; you are mixing the questions. A lot of manufacturers are mixing good things. If you think the farmer must mix, let him mix that kind.

Mr. CHAPIN. Now, you know what I am interested in. The amount of things I can get are limited—distillers' grains and all of those things are short crops this year. Now, if the farmers call for more feed, how am I going to give it to them?

The CHAIRMAN. Do you mind telling the farmer just what he is buying?

Mr. CHAPIN. I do so now.

The CHAIRMAN. Then, what objection have you to this? The Secretary of Agriculture would permit you to ship stuff if it is not injurious or worthless.

Mr. CHAPIN. I will tell you. In the first place, the form would have to be changed. I have a transcript of Dr. Jordan's report for 1913, showing the variations in all feeds—

The CHAIRMAN (interposing). When they vary and become worthless, do you not think they ought to be excluded?

Mr. CHAPIN. No; this variation is perfectly normal, and Dr. Jordan will bear me out in that.

The CHAIRMAN. You do not understand my question. I am referring to worthless stuff, the stuff that the farmer either has or does not want.

Mr. CHAPIN. I do not know of any worthless stuff raised on the farm, or any worthless stuff used in the feed business.

The CHAIRMAN. Then, this amendment would not interfere with you at all?

Mr. CHAPIN. I will tell you why it will. Because, according to the way the amendment is worded now, I can not use anything: everything I use is derived from grain. That provision does not say anything about the stuff being worthless or valueless. It says if I use these things I am violating the law; if I mix oats and corn I am violating the law; the standard of corn is so many units of protein. Now, from another point of view, oats has a higher protein value than corn. Now, which is right?

The CHAIRMAN. I think you are putting up scarecrows.

Mr. CHAPIN. We have good reason to be afraid of laws that we can not understand. We do not know where they lead us to, or what effect they will have. I know what will happen to my business if all of these products are put off the market, or if the sale or manufacture of them is restricted. It will put the price of things I have to buy up to a point where I can not use them. That is where I am concerned.

Because these things are the only things that have held down the price of feeds. I saw in the Dairymen's News an article stating that there was a shortage or shrinkage of 1,000,000 tons of hay in New York. And here are 600,000 tons of oat feeds that will not begin to make up the shortage in New York State. And every other feed crop in New York was reported to be inferior. Now, do not say that the farmer has enough roughage; I can not believe it. The farmer is not going to chop up hay to mix with his feed.

Dr. JORDAN. It is not necessary.

Mr. CHAPIN. I can not sell the farmer heavy materials; he always insists on having a bulky and light feed; that has been my experience for many years.

Dr. JORDAN. Let me interrupt you there. I am a Maine man originally. There are comparatively few of these things sold in the State of Maine. Largely all that are sold there are the heavy feeds. They buy them and use them, and have done it for years.

Mr. CHAPIN. I beg to differ with you, because I sell a great deal of feed in the State of Maine. And I know the kinds I buy are very bulky; and they are what the farmers buy. But there is a great deal of feed sold there—of the stock feed that is sold for growing stock, a combination of hominy and oat feed.

Dr. JORDAN. As I say, there is a very small proportion of oat feed sold in the State of Maine. The farmers are buying very much less than in the State of New York; and they are not coming to grief by it either.

The CHAIRMAN. Are there any other questions?

Mr. CHAPIN. I want to ask Dr. Jordan one more question: He said that oat hulls were about 31 per cent digestible.

Dr. JORDAN. I said mostly hulls.

Mr. CHAPIN. Well, this bulletin of Cornell University, which is a copy of Dr. Henry's report, shows that oat hulls have total nutritives of 50.1 per cent. Now, as they only carry 1.3 per cent digestible fat, which would be about 3 per cent of the nutrients, that would mean that the sum total of digestible nutrients in oat hulls was 48 per cent, excluding fat, multiplied by $\frac{21}{2}$.

Dr. JORDAN. Yes.

Mr. CHAPIN. Now, that is more than 31 per cent.

Dr. JORDAN. When I gave that figure, I said mostly hulls.

Mr. CHAPIN. This says "oat hulls."

Dr. JORDAN. But hulls means the general mixture of offal, including oat bran.

Mr. CHAPIN. Now, you are aware that there is no such thing as bran in it; so that there are about 50 nutrients in oat hulls, as compared with 80 in corn?

Dr. JORDAN. I stated to the committee that they are used for material—

Mr. CHAPIN (interposing). Would you say that oat feed, or oat hulls, has a total nutritive value of 50 to one of 70 for oats—that that somewhere nearly expresses the ratio of their values?

Dr. JORDAN. No.

Mr. CHAPIN. Would you place them on a net energy value?

Dr. JORDAN. I would place them on a net energy value.

Mr. CHAPIN. Would you say that they were worth half on a net energy value?

Dr. JORDAN. Perhaps so.

Mr. CHAPIN. In other words, if oats are worth \$41 a ton in Chicago, would oat hulls be worth \$24?

Dr. JORDAN. Not for me if I had a farm.

Mr. CHAPIN. Could they not be used in that way?

Dr. JORDAN. Not on a farm, if they used their own roughage. I disagree with you in the statement that the farmers in the State of New York producing milk have to buy so much hay. Most of them are using their own roughage.

Mr. CHAPIN. Do you consider oat hulls injurious when they are oats themselves? That is an economic question with me. I do not care about my personal interest. I am thinking about the effect on the whole country. And I do not want to see all of this food material—

Dr. JORDAN. Neither do I.

Mr. CHAPIN. I do not want to see anything done that will throw the whole industry into confusion in the dead of winter, when we can not get any feed.

Dr. JORDAN. I agree with you there. I stated that.

Mr. STAFF. Mr. Chairman, may I ask a question?

The CHAIRMAN. What is your name and business connection?

Mr. STAFF. My name is Charles Staff, and I represent the Larrowe Milling Co., of Detroit, Mich.

The CHAIRMAN. All right; you may ask him a question.

Mr. STAFF. I want to ask you, Dr. Jordan, whether you consider it necessary, in protecting the farmer against the use of these low-grade feeds, to require the percentage of all the constituents in that compounded feed to be given, or do you think it is sufficient to require only the percentage of such feeds as are labeled as inferior? This law or amendment provides that if any ingredients of inferior quality are mixed in a shipment of feed, the percentage of all of the ingredients shall be stated. Therefore, if 10 per cent of the inferior qualities are used in a feed, the percentage of the other 90 per cent of the feed must be declared. Do you think that at all necessary?

Dr. JORDAN. It seems to me that if the percentage of inferior material is stated that would answer all purposes.

Mr. CHAPIN. That is a point that had not been brought out.

Representative LEVER. Let me ask you just one question. As chairman of the House Committee on Agriculture I have received quite a number of protests on the proposition of selling mixed feed, and I was just wondering if there is any great protest on the part of the farmers of New York on that kind of stuff that they are buying?

Dr. JORDAN. I am not aware whether there is much protest or commendation. I don't think the farmers of New York understand the situation very well now, considering the short time it has been up.

The CHAIRMAN. In that connection I will file in the hearing before it is finished a letter which I have received from Mr. Campbell, of the National Milk Producers Federation, comprising 200,000 members. He has very strongly indorsed this amendment and is very anxious for it to pass. I also have a telegram from the National State Grange of New York, signed by other agricultural associations, very strongly indorsing the adoption of the amendment.

Mr. Chapin, these oatmeal factories, turning out all these oat hulls that you have so much in mind, who owns those oatmeal factories?

Mr. CHAPIN. They are owned by various companies, all in competition with each other. We buy from all of them.

The CHAIRMAN. Now, the one at Buffalo, who owns that?

Mr. CHAPIN. The H-O Co.

The CHAIRMAN. Who is that?

Mr. CHAPIN. That is an independent corporation owned by people that I know in Buffalo.

The CHAIRMAN. The Armour people don't control that?

Mr. CHAPIN. They do not.

The CHAIRMAN. Do they control any of these?

Mr. CHAPIN. I think they have a mill of their own at Milwaukee, and I think they own one at Buffalo.

The CHAIRMAN. Does Swift & Co. own any?

Mr. CHAPIN. They do not; not to my knowledge.

The CHAIRMAN. Are you a member of the American Feed Manufacturers' Association?

Mr. CHAPIN. I am.

The CHAIRMAN. Could you furnish us with a list of the directors of that association?

MR. CHAPIN. I will ask the secretary to do that. I know he will be pleased to comply.

(The list referred to follows:)

AMERICAN FEED MANUFACTURERS' ASSOCIATION.

OFFICERS.

Harold A. Abbott, president, The Albert Dickinson Co., Chicago, Ill.
F. A. McLellan, first vice president, The H-O Co., Buffalo, N. Y.
Charles A. Krause, second vice president, Chas. A. Krause Milling Co., Milwaukee, Wis.

J. B. Edgar, third vice president, Edgar-Morgan Co., Memphis, Tenn.

L. F. Brown, secretary, Milwaukee, Wis.

W. R. Anderson, treasurer, Flour & Feed, Milwaukee, Wis.

EXECUTIVE COMMITTEE.

G. A. Chapman, chairman, formerly of The Quaker Oats Co., Chicago, Ill.
H. G. Atwood, American Milling Co., Peoria, Ill.

R. W. Chapin, Chapin & Co., Chicago, Ill.

Sherman T. Edwards, Hales & Edwards Co., Chicago, Ill.

O. E. M. Keller, Arcady Farms Milling Co., Chicago, Ill.

F. A. McLellan, The H-O Co., Buffalo, N. Y.

The president, ex officio.

NATIONAL COUNCILLOR, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA.

James H. Genung, American Hominy Co., Indianapolis, Ind.

BOARD OF DIRECTORS.

John C. Reid, chairman, The Corno Mills Co., St. Louis, Mo.

M. C. Peters, vice chairman, M. C. Peters Mill Co., Omaha, Nebr.

J. W. Anderson, Kornfalfa Feed Milling Co., Kansas City, Mo.

Dwight E. Hamlin, Dwight E. Hamlin, Pittsburgh, Pa.

H. C. Joehnk, Champion Feed Milling Co., Lyons, Iowa.

F. J. Ludwig, Chas. M. Cox Co., Boston, Mass.

Maxwell M. Nowak, Nowak Milling Corporation, Buffalo, N. Y.

P. R. Park, The Park & Pollard Co., Boston, Mass.

W. A. Reynolds, The Southern Cotton Oil Co., Charlotte, N. C.

A. F. Seay, Ralston Purina Co., St. Louis, Mo.

F. R. Slauson, American Linseed Co., New York, N. Y.

C. U. Snyder, C. U. Snyder & Co., Chicago, Ill.

R. P. Walden, Corn Products Refining Co., New York, N. Y.

H. Wehman, International Sugar Feed Co., Minneapolis, Minn.

F. M. Wilson, The Denver Alfalfa Milling & Products Co., Lamar, Colo.

The president, ex officio.

THE CHAIRMAN. Now, the Armour Co. has a member on the board, hasn't it, the board of directors?

MR. CHAPIN. I don't know whether they have or not. They have only joined lately.

THE CHAIRMAN. Mr. Ferguson, representing the Swift people?

MR. CHAPIN. I have never seen anybody attending our membership representing Swift & Co., but they have no representation on our board or executive committee or anything else. They have no control over it.

DR. JORDAN. Is that all, Senator?

THE CHAIRMAN. Yes; that is all.

REPRESENTATIVE HAUGEN. Just one question. Doctor, do you consider clover and alfalfa the same class of feed?

Dr. JORDAN. Practically so; yes.

Representative HAUGEN. How does that compare with corn, for instance, for feeding cattle, either clover or alfalfa?

Dr. JORDAN. With corn grain?

Representative HAUGEN. Yes.

Dr. JORDAN. Oh, about as 51 or 52 per cent is to 85 to 87 per cent.

Representative HAUGEN. Does the grinding of alfalfa or clover add anything to its value?

Dr. JORDAN. Not in my opinion.

Representative HAUGEN. What is the object of grinding it?

Dr. JORDAN. I was told by a commercial man that it is ground partly because they like it for mixing in the compounded feed, and partly because they can transport so much more in a car that it lowers the freight rate. I have been told that but I do not know that from my own knowledge.

Representative HAUGEN. It is compressed by grinding?

Dr. JORDAN. Yes; they get more room in that way.

The CHAIRMAN. I think I will have the letter of Mr. Campbell read at this time.

(The clerk read the letter as follows:)

THE NATIONAL MILK PRODUCERS' FEDERATION.

Washington, September 15, 1918.

Hon. THOMAS P. GORE,

Washington, D. C.

DEAR SENATOR: I am writing to express the sentiment of the directors, the executive committee, and other representatives of the National Milk Producers' Federation present and holding a meeting of the federation in this city yesterday, upon the amendment offered by you to the agricultural bill now pending.

The mixed-feed problem is one that has sorely afflicted the milk producers of the country for some years as evidenced by the attempts to regulate the same in the States.

These attempts have proven abortive because of the immunity afforded by State lines, and the ease by which the contents could be put over upon the unwary farmer unable to make an analysis.

The entire membership officially represented yesterday expressed the hope that the bill would become a law. It is quite possible that the bill may not be perfect, but we are satisfied that enough good and wholesome feed can be had under the terms of the bill to offset a hundred items over any waste of good food sacrificed.

Nor need there be any sacrifice under the terms of the law of any useful feed or material.

The frauds and deception that have been practiced under the existing rules and State laws have afforded the farmer but little protection.

This has not come from lack of purpose, but from the immunity of State lines and the ease by which the manufacturer could cover his worthless material and sell it at fabulous prices.

Very truly yours,

MILo D. CAMPBELL,

President National Milk Producers' Federation.

P. S.—The National Milk Producers' Federation is the only association of its kind in the United States. It has about 200,000 members, and is rapidly growing.

It comprises the local and State associations of New England, New York, Pennsylvania, Ohio, Michigan, Illinois, and on to the coast, with California, Oregon, and Washington.

The CHAIRMAN. Now, we will hear Mr. White. State your name and post-office address, Mr. White.

STATEMENT OF C. R. WHITE, DEPARTMENT OF FARMS AND MANAGEMENT, ALBANY, N. Y.

Mr. WHITE. My name is C. R. White, and I represent the department of farms and management, Albany, N. Y.

The CHAIRMAN. Now, Mr. White, you have been present at the hearing this morning, and I wish you would go ahead and state anything that occurs to you touching the necessity of this amendment, or the evils intended to be cured, and whether or not it is adapted to that end. Make any suggestions that you see fit.

Mr. WHITE. It is our position that this amendment should be passed substantially as it stands. I think Dr. Jordan pointed out one or two places where it could be improved. It is our contention in New York, and the contention of the State food commission there, that the farmers should have the right, and do have the right, to know what they are buying.

The statement has been made here that there were large amounts of screenings and offal, and so forth, from the mills and elevators of the West which receive a market. We have no objection to that, but we do claim that they have no right to unload those articles of low value on to the farmers of our State without their knowing what it is. The statement was made here, and practically correctly, I think, that those were variable qualities—which is probably true—that when those screenings were introduced into these products we don't know what the fault is. We do know that we have taken samples from the State of New York—and I suppose they will be here today—of screenings from cars—in fact, broke the seal to get them, because they were full carloads of screenings—that are practically worthless, or very inferior.

The CHAIRMAN. You have got those samples here?

Mr. WHITE. No; I suppose they will be here. Mr. Loomis, of the State food commission, whom I expected to be here, will have those samples of feeds, or the low-grade materials. I will say this, that in mill-run bran, which we allow to come into the State of New York—that is, bran containing mill-run screenings—I have seen bran which had screenings of such a low character that the taste and smell were such that the animals would not eat the bran at all. It had to be incorporated in small quantities in mixed feeds before the stock will use it.

I will say this, that for the last eight years I have worked with the farmers over the entire State of New York. I have held institutes and have conducted institutes for them and worked with the college of agriculture in extension school work, and I never yet have heard a single case where a farmer desired to buy hulls or anything of the kind. I have heard repeated protests to the fact that they were obliged to buy them and didn't want them.

Representative LEVER. Why did they buy them?

Mr. WHITE. Why did they buy them? They can't help themselves. They buy them in mixed feeds. The greater profit on mixed feed enters into it. There is a little history that might be brought out here on that. In many cases where the Dairy Men's League asked or made arrangements with local feed dealers to handle dairy-men's feed and the dairymen went there to get it; it was impossible to get it and they had to take the feed offered them. That is a

well-known fact, and any of the Dairy Men's League people will tell you that.

Representative LEVER. Mr. Chapin brought out a point there that I think is of value to this committee. Why don't these farmers mix their own feed?

Mr. WHITE. The farmers do; a great many of them mix their feed.

Representative LEVER. Why don't they all do it?

Mr. WHITE. Because in many cases they can't get the material. There are sections of the State where the different materials which should enter into stock feeds are not available as separate materials.

Representative LEVER. Which makes it necessary for the sale of mixed feeds?

Mr. WHITE. Yes; in those particular instances. Not all over the State, however. There are sections of the State where the several constituents, such as cottonseed meal, linseed meal, and so forth, can be bought.

The CHAIRMAN. Aren't the grange organizations of New York making an effort to distribute standard feeds or mixed feeds that have really feeding ingredients?

Mr. WHITE. There is such an institution, and I think Prof. Wing can answer that question. He is president of it and I should prefer that he answer any questions in relation to that.

The CHAIRMAN. That is an effort to escape from the adulterated feeds.

Mr. WHITE. That is true.

The CHAIRMAN. Have you got a law in New York against the sale of adulterated feeds?

Mr. WHITE. We have.

The CHAIRMAN. Have you changed it several times?

Mr. WHITE. There has been no change made since I have been connected with the department.

The CHAIRMAN. Did you have to pass a law prohibiting the adulterating of feed?

Mr. WHITE. It seems so.

The CHAIRMAN. Couldn't you trust the feed manufacturers to sell pure feeds?

Mr. WHITE. I should hardly think so.

The CHAIRMAN. How many States have laws prohibiting the sale of adulterated feeds?

Mr. WHITE. I am not prepared to answer that question. I don't know how many.

The CHAIRMAN. It seems to me there are 42 or more. Of course you don't know why that was, whether the feed manufacturer was trying to sell too high value food or not, but it is true that in a great many States State legislatures have passed laws to try to prohibit the adulterating of feed.

Mr. WHITE. Yes, sir.

The CHAIRMAN. Do you know of any reason for that, any theory upon which this legislation was enacted, except that the feed manufacturers couldn't be trusted unregulated by law to sell pure feed?

Mr. WHITE. It is the natural assumption that where a measure was enacted there must have been some need for the measure or it would not have been enacted.

Representative LEVER. Each State has a statute against murder, too, on the same theory I guess.

Mr. WHITE. I would like to say this, Mr. Chairman, that the question has been raised of the unenforceability of any measure that might be passed. I think it is hardly conceivable that such an objection could be raised; that if we had any crime that was being committed, such as burglary or counterfeiting or anything, that if we couldn't get all of those that were engaged in it we shouldn't enact a law prohibiting it.

Representative LEVER. Senator Gore's reasoning was so seductive that I felt I ought to throw a wrench into the machinery—that we can't trust people not to commit murder and we ought to prohibit the adulteration of feed because we can't trust the feed manufacturers.

But I don't think there is any difference between the House conferees and the Senate conferees on the proposition of trying to get a law here which will work. What we want is for you to tell us first, is there a reason for any additional legislation; second, is this proposition a workable proposition, and if not, third, have we got a workable proposition that we can pass at this time? I think that sizes up the situation.

Mr. WARD. Senator, may we ask the witness a question?

The CHAIRMAN. Yes.

Mr. WARD. Mr. White, have you made any study or observation as to the increasing death rate for the past two years among dairy herds in the State of New York?

Mr. WHITE. I have not directly. I have heard a number of statements made within the last few weeks that there was an increasing death rate in the cattle of the State.

Mr. WARD. And in the spring particularly, after the winter period?

Mr. WHITE. Yes, sir.

Mr. WARD. And that is the period when these mixed grains have been very largely fed?

Mr. WHITE. Yes, sir.

Mr. WARD. And have you given any study to the fact that Cockrell bran and other screening brans containing poisonous alkaloids and oils have been sold?

Mr. WHITE. I have not. I am not a scientist.

Representative LEVER. Mr. Ward, wouldn't they be prohibited under the pure-food law from shipping in interstate commerce such feeds as you mentioned last?

Mr. WARD. So far there is no law that has tended to decrease the feeding of these stuffs, or the selling of them to the farmers. Every law is evaded in one way or another.

Representative LEVER. I am asking for information. This is all a brand new field to me. You say you have been connected with the department of agriculture of New York for eight years?

Mr. WHITE. Yes.

Representative LEVER. And you have been holding institutes over the country?

Mr. WHITE. Over the State; yes, sir.

Representative LEVER. And the farmers have been complaining about this mixed-feed proposition?

Mr. WHITE. Yes, sir.

Representative LEVER. For how many years?

Mr. WHITE. Ever since I have been in the field.

Representative LEVER. Have you made any protest down here to Washington before this time?

Mr. WHITE. No, sir.

Representative LEVER. Why not?

Mr. WHITE. Because I was connected with the State department. It wasn't particularly my duty.

Representative LEVER. Wouldn't that be the very reason why you should do it?

Mr. WHITE. I presume it would.

Representative HAUGEN. This is the first opportunity you have had, isn't it?

Mr. WHITE. The first opportunity; yes, sir.

Representative HAUGEN. What is your official position?

Mr. WHITE. I am here representing Dr. Porter, of the department of foods and markets, who has charge of the seed investigation of the State food commission.

Mr. CHAPIN. May I ask Mr. White a question?

The CHAIRMAN. Yes.

Mr. CHAPIN. Mr. White, do you know of any specific case where a cow died because of something she was fed?

Mr. WHITE. No; I said I didn't know specifically. That has been the report that I have heard.

Mr. CHAPIN. Do you know that when cows are fed improperly any kind of feed, too large an amount or too concentrated, it is liable to make them sick and cause them to die?

Mr. WHITE. Yes, sir.

Mr. CHAPIN. It can be done with cottonseed meal, can't it?

Mr. WHITE. Yes.

Mr. CHAPIN. And gluten feed?

Mr. WHITE. Yes, sir.

Mr. CHAPIN. Do you know that a large number of cattle in New York—you must know it in your work and in your study—are fed nothing but gluten feed or cotton seed?

Mr. WHITE. That is very unfair, Mr. Chapin. You mustn't assume that the farmers don't know anything about feeding. There may be rare cases where that is so.

Mr. CHAPIN. I happen to know of my own knowledge of such cases, having lived in the State 25 years.

Mr. WHITE. Such cases are very rare indeed.

Mr. CHAPIN. Now, what you said about farmers buying mixed feed because they had to—you think that is actually so, that they could buy nothing but mixed feed?

Mr. WHITE. Yes, sir.

Mr. CHAPIN. What would that indicate?

Mr. WHITE. An inadequate supply of concentrates; that the supply of concentrates in some sections of the State was inadequate; that they couldn't get these concentrates to make up their feeds.

Mr. CHAPIN. Do you know what concentrates were particularly lacking—bran?

Mr. WHITE. No; I have known times when they didn't carry cottonseed meal.

Mr. CHAPIN. Was it that this last winter particularly?

Mr. WHITE. It has been for several years.

Mr. CHAPIN. Don't you know that this last winter we had a terrible blockade, and hardly anything could get through into New York State?

Mr. WHITE. That is a common condition that exists at some points all the time.

Mr. CHAPIN. Wasn't it better for them to get mixed feeds than to have the cattle starve?

Mr. WHITE. Yes; there is no doubt about that.

Mr. CHAPIN. Did they complain about that? Did these same farmers go on buying mixed feeds? Are they buying them now?

Mr. WHITE. Very likely.

Mr. CHAPIN. Then they must like them, don't they?

Mr. WHITE. They may or may not. If a man went to the station to inquire for Dairy Men's League feed which was formulated by Dr. Savage, and he couldn't get anything else he would have to take what he could get, and that was the case last winter.

Mr. CHAPIN. Do you think that all the cows in New York State can be fed on the Dairy Men's League feed?

Mr. WHITE. I don't know about that. I think they ought to be fed on an equally good formula.

Mr. CHAPIN. Do you know that there are a million and a half cows in New York State that don't eat approximately a ton a year of Dairy Men's feed?

Mr. WHITE. Yes.

Mr. CHAPIN. Do you know that the whole production of brewers grain of Dairy Men's feed for farmers—I don't know whether it calls for distillers' grain, but it calls for malt products—do you know that there is not a sufficient supply of concentrates to provide a million and a half tons of dairy feed to the Dairy Men's League?

Mr. WHITE. That may be so.

The CHAIRMAN. I think he made one pertinent statement, Mr. Chapin, that if they couldn't feed in accordance with that formula they ought to feed in accordance with some other good formula. That is what we are driving at.

Mr. WHITE. We are not particular as to the exact formula, just so it is a good formula.

The CHAIRMAN. Still there is no justification for the sale of worthless stuff.

Mr. CHAPIN. Don't you know that at the present time there is practically no bran at all in the country?

Mr. WHITE. We are aware of the fact that in New York we can't get it.

Mr. CHAPIN. Don't you know that for the past six months we have been selling substitutes and have had no wheat bran?

The CHAIRMAN. Right there, what substitutes have you been using?

Mr. CHAPIN. Oatmeal and cornmeal. They have been milling very little wheat relatively in the last six months. Many mills have had to shut down for two months. Bran is one of the staple feeds in this country, and by the milling regulations has been cut down 500,000 tons.

The CHAIRMAN. Mr. Chapin, are you trying to make the point that there isn't enough feedstuffs to feed the cattle in the country?

Mr. CHAPIN. I mean not enough to provide the kind of rations they want. There is a particular shortage in bran.

The CHAIRMAN. Do you mean that in order to maintain cattle and live stock we have got to feed stuff that is no account in order to keep them up?

Mr. CHAPIN. We have got to feed everything we have got.

The CHAIRMAN. Whether it is worthless or not?

Mr. CHAPIN. Whether it is worthless or not—I wouldn't say "worthless," because you can't feed anything that is worthless. You might as well feed air.

The CHAIRMAN. That is just the point I am making. There are a great many feeds that have more or less feeding value and ought to be sold on their merits, but that they are not is what we are driving at. Your position would seem to lead to the conclusion that there is not enough nutritious food to feed the stock in the country, and therefore we have got to feed unnutritious stuff to them in order to maintain them, and that manufacturers of feed ought to have the right to sell unnutritious foods to farmers because this manufacturer can't furnish nutritious stuff. Your reasoning is aside from the mark.

Mr. CHAPIN. The point I wanted to make was that a certain amount of substitutes is necessary, just as in war bread we have to incorporate a certain amount of cattle feed. That is where it is going to. We have to eat cattle feed because it is used in flour, and in our dairy ration we have got to incorporate a certain amount of roughage. We may feed a little more grain or we may feed a little less, just so we get the same production of milk. The production of milk is only the question of giving the cow a certain amount of food pounds per day.

The CHAIRMAN. Will you admit that nothing ought to be put into food that detracts materially from its value?

Mr. CHAPIN. Why, we can't make the ration without detracting from the value. Bran detracts from the value of cotton-seed meal and corn meal. Bran has only about five-eighths the value of corn meal.

The CHAIRMAN. Is it your contention that the poorest possible feedstuffs should be allowed to be sold at the high feed value merely because there isn't enough of the high feed value to go around?

Mr. CHAPIN. Feeding animals is just a question of calories. The German Nation has figured out that a man must have 1,500 calories a day or die, and a cow must have so many calories of feed, and it doesn't make any difference where they originate, if they are not obnoxious or repulsive or deleterious. It is all the same to the cow whether she gets a certain amount of calories out of oat hulls or whether she gets it out of corn meal, but the ration must be so that she will like it and eat it.

The CHAIRMAN. Is it all the same to the feed manufacturer if he sells to the farmer so that the farmer knows what he buys?

Mr. CHAPIN. I think the farmer knows what he buys, or he wouldn't buy it. The farmer don't have to buy any feeds unless he wants them. He can try them first and if he likes them he will buy them or otherwise discard them forever.

The CHAIRMAN. Of course, they don't have to buy anything. They can let the cattle die.

Mr. CHAPIN. They buy of their own free will.

Representative HAUGEN. You say that there is a shortage of bran. Can you give the figures on that?

Mr. CHAPIN. There is a shortage on the milling schedule, a shortage of bran of over 500,000 tons, due to the fact that the factories have not been able to get any bran for about six months.

Representative HAUGEN. Why haven't they been able to get any bran?

Mr. CHAPIN. Because the farm mills can't sell their flour to-day because nobody will buy their flour, because the price is fixed just like the price of a street car ticket, and why should they buy those things ahead? The mills are losing money hand over fist. They have got their warehouses full of flour and nobody will buy their flour.

Representative HAUGEN. The Federal Trade Commission reports the grinding of 550,000,000 barrels of flour in the last three years; that they are operating at a profit of 175 per cent, an increase of 100 per cent on their capital stock, and why make the statement that they are losing money?

Mr. CHAPIN. Because I know what I say is true. They will lose this year what they made last year. I am not a flour miller myself.

Representative HAUGEN. I don't think such a misleading statement as that should go into the record. I am quoting figures from the Federal Trade Commission's report.

The CHAIRMAN. Have you got the figures there?

Representative HAUGEN. I gave the figures. The increase in profits over operating expense was 175 per cent, 100 per cent on the capital.

Mr. CHAPIN. May I call your attention to the fact that there is no connection between the profits and prices and the available supply of materials? Unless the flour mill runs they don't produce any feed. The profits don't have anything to do with that, and they are exporting wheat now instead of milling it.

Representative HAUGEN. We are now grinding more flour than ever before, and we have more bran than ever before. Now, the question is: Is there a shortage of bran or is there a monopoly in this country?

Mr. CHAPIN. There is no monopoly of bran. I can't find it if there is.

Representative HAUGEN. Are the mills selling bran or are they monopolizing it?

Mr. CHAPIN. I went up to Buffalo and interrogated the millers up there about this situation, and one of them said he couldn't run because he had a warehouse full of flour. Another said he could hardly sell any flour, but could sell all the feed as fast as it was made. He only sold in the ordinary channels of trade, a little at a time, so as to make it go as far as possible. I know they are not milling flour.

The CHAIRMAN. Not doing what?

Mr. CHAPIN. Not milling flour, because they can't sell the flour.

Representative HAUGEN. They have been commandeering wheat, going out to the farmers and bringing the wheat into the market and sending it to the mill and grinding it all the time.

Mr. CHAPIN. Well, I believe I know the situation, and have plenty of gentlemen here that know that that is correct. At the present

time there is very little feed being produced, not half as much as should be. I know I can't buy any.

The CHAIRMAN. I would like to ask a question about the Federal Trade Commission and its report on the flour situation. I was reading a report yesterday, and I think in 1911, 1912, and 1913 their average earnings per barrel were 13 cents; in 1917 52 cents, and this year a large percentage of them were earning from 25 to 40 cents a barrel. In 1914, I think it was, the net earnings on capital invested was 8.9 per cent on the part of the millers, and that this last year it was as high as 37 and 38 per cent, an increase of over 300 per cent: and they stated that even this year the earnings of the mills, speaking by and large, were fabulous, much more than during peace times.

Representative HAUGEN. Mr. Chairman, I was quoting from the report of last April, made by the Federal Trade Commission.

Mr. WARD. Senator, may I be permitted to suggest that all these analyses of these feeds, showing the inferior and poor material, were made in the prewar period, upon which these gentlemen from the agricultural colleges have made their reports, so that there was no absence of bran then that required the combination of these feeds with all this worthless stuff.

Representative HAUGEN. May I ask another question? I inferred from what you said that the pure, unadulterated products are not available; that there is a monopoly of them. Can any pure cotton-seed meal be purchased?

Mr. WHITE. Yes, sir.

Representative HAUGEN. Is that available to all manufacturers?

Mr. WHITE. I don't know. So far as I know it is.

Representative HAUGEN. I understood you a short time ago that the pure meal could not be had.

Mr. WHITE. In some sections it can not be procured. The dealers don't carry it.

Representative HAUGEN. Why don't they carry it?

Mr. WHITE. That I can not tell. I presume because they prefer to handle mixed feed, just as they refuse to carry, or did not carry in quantities sufficient, Dairy Men's League feed when it could have been gotten.

Representative HAUGEN. Have you made any investigation as to who owns and operates the manufacture of these mixed-food products? Do they have a monopoly on cotton seed?

Mr. WHITE. Why, no, sir.

Representative HAUGEN. Have the packers any connection with the manufacture of cottonseed meal?

Mr. WHITE. I don't know about that.

Representative HAUGEN. I understand that the packers own these cottonseed crushers that manufacture cottonseed meal, and that they own it and control it and have a monopoly on cottonseed meal.

Mr. WHITE. That is the rumor, but I know nothing about it myself. I have no personal knowledge of it. Our main contention is exactly as Dr. Jordan has stated, that we believe the farmers in our State have a right to know what they are buying.

The statement was made here that we have no scientific men among our farmers who are capable of mixing feed. We have simply hundreds and hundreds of college graduates scattered over the State of

New York connected with the dairy establishments who can compound a feed as well as any man here. They are not ignorant of the compounding of feed. Our institutions there have been turning out men by the hundreds and they are capable of doing it, and they are living on farms. It has been brought out through our agricultural schools, our extension work, until it isn't necessary that they should have this stuff mixed. I want to emphasize two things here: First, that the farmer knows enough to know what he is buying; and then I want to contradict the statement made that he isn't capable of deciding between different kinds of feed and compounding them.

Representative HAUGEN. Then you say that the pure feeds are more desirable, but they can't be obtained?

Mr. WHITE. Either pure feeds or mixed feeds which are made up from pure materials. Oat hulls, which have practically the same value as straw, are not needed in very much of the State of New York, because we have hundreds of thousands of tons of oats and barley and wheat straw.

Representative HAUGEN. But I understood you to say that that is not the effect that is desirable?

Mr. WHITE. No, sir.

Representative HAUGEN. That the other is more desirable. Now, why are they not getting more desirable feed?

Mr. WHITE. That we cannot tell, because we can not get it. I do know this, that millers in the West are asking the feed dealers whenever they try to buy bran or any other wheat feed to take anywhere from 40 to 60 per cent gross weight of the car in hulls. Whether there is a combination or whether it is because there is so much flour I am not prepared to say. I know it is the condition.

Mr. ABBOTT. May I ask Mr. White a question?

The CHAIRMAN. Yes.

Mr. ABBOTT. You spoke a minute ago of the fact that pure cottonseed meal could be secured?

Mr. WHITE. Standard cottonseed meal.

Mr. ABBOTT. Do you know what pure cottonseed meal is?

Mr. WHITE. I would say standard cottonseed meal.

Mr. ABBOTT. You used the term "pure cottonseed meal." Do you know, as a matter of fact, whether cottonseed meal contains the hull in some form of the cotton seed?

Mr. WHITE. I suppose it does; yes; as do all processes of milling get some of the product of the offal in them, the same as middlings would have, as buckwheat would have, but a very slight amount: But that is a purely technical question.

The CHAIRMAN. That would not detract materially from the feed value?

Mr. WHITE. Not materially.

Mr. ABBOTT. Mr. Chairman, may I ask a question of you before Mr. White proceeds?

The CHAIRMAN. You want to ask me a question?

Mr. ABBOTT. Yes, sir. It strikes me that there would be more clarity in the minds of all of us if you would tell us what is meant by waste material and worthless material, as frequently used in statements that have been made in this hearing.

The CHAIRMAN. Well, the definition that I would give would be that waste material—it is pretty hard to define waste. It carries its own definition about as well as anything else. It is stuff that is of no value. Worthless material is stuff that is not worth—that has no feed value and ought not to be mixed with the feed. And I will go further than that. I wouldn't be as strict as that. The farmers, as Mr. White stated, all have a great deal of this roughage—or the farmers of New York have—and I don't think they want to buy from you, Mr. Abbott, stuff that they have already got, and I don't think the stuff ought to be mixed so that they can't get what they want without buying what they don't want and without buying what they don't need and without buying what they have got on their farms. That is what I mean.

Mr. ABBOTT. Do you realize, Senator, that there are some parts of this country, at this time particularly, where roughage does not exist? Have you in mind your own State of Oklahoma?

The CHAIRMAN. I am aware of that.

Mr. ABBOTT. And the State of Texas, where they have been drought stricken for the last four years.

The CHAIRMAN. I will say this, a friend of mine undertook the other day to ship wheat straw into west Texas for feed, where the drought has been so severe and so destructive, but he was going to sell it as wheat straw, which was a perfectly legitimate transaction. Now, if he had doped it up and sugar-coated it with molasses, and undertook to sell it as some concentrated feed, I think he would have been guilty of a villainous practice.

Mr. ABBOTT. If roughage does not exist in Texas or perhaps other isolated spots of this country, and timothy hay or other forage of desirable character can only be obtained at long distances and is worth in Chicago \$31 a ton; and roughage in the form of cottonseed hulls can be purchased in Alabama and Mississippi and other Southern States at \$20 a ton—points near home with less freight rates—would you not consider it advisable for a farmer to at least consider the fact that he might be able to draw to his door, his barn, the supply of material he needs at a less cost?

The CHAIRMAN. By all means. I am for that, but I want him to know when he is getting cottonseed hulls, however. I don't want him to buy stuff from you as concentrated feed that is, the majority of the time, cottonseed hulls, and pay \$50 or \$60 a ton for it.

Mr. ABBOTT. Senator, we are heart and soul with you as regards the adulteration or as regards the question of deceiving anyone. We are not in that kind of business. I don't know a single manufacturer in my knowledge that is doing that sort of thing.

The CHAIRMAN. Are you from Illinois?

Mr. ABBOTT. I am from Chicago.

The CHAIRMAN. Have you got a fed law in that State?

Mr. ABBOTT. Yes, sir.

The CHAIRMAN. Was there any necessity for passing it?

Mr. ABBOTT. Just the same necessity that there has been in all other States.

The CHAIRMAN. What was that necessity?

Mr. ABBOTT. The necessity, I presume, grew out of the need of knowing a little more fully the chemical analysis, particularly of the feeds.

The CHAIRMAN. Is the law pretty well enforced in your State?

Mr. ABBOTT. It is, sir. Now, further more, the question comes into our minds as to how you wish to measure the value of a food.

The CHAIRMAN. I don't know that that would be material, Mr. Abbott.

Mr. ABBOTT. It is material to this extent, sir, that you ask that the percentage of ingredients be placed upon the bag, irrespective of the fact that the chemical analysis, which has been recognized for many years by the ablest of chemists, has been one of the means by which the agricultural interests, the agricultural colleges, the experiment stations, have based their values of feeding ingredients. Are you going to pretend that the naked eye can tell by a question of percentage weight as to whether that is of greater value to the feeding public than the chemical feeding constituents will show?

The CHAIRMAN. That is the reason I want them to be protected. I think the farmers can't tell.

Mr. ABBOTT. The present laws of the various States are very rigid. They are branded in a way which makes it impossible for a deception. We contend that the State laws, together with the Federal laws, are ample in this respect.

The CHAIRMAN. You say they make deception impossible?

Mr. ABBOTT. Yes, sir.

The CHAIRMAN. If that is true, there is certainly no occasion for this legislation.

Mr. ABBOTT. There is not, if your laws are enforced.

Dr. JORDAN. Will Mr. Abbott permit Mr. Jordan to ask him a question?

The CHAIRMAN. I think so.

Dr. JORDAN. You stated that the value of these cattle foods was based upon the chemical analysis.

Mr. ABBOTT. I merely stated, Mr. Jordan, that the question as it was brought out here in the interrogation was whether or not we should be forced to base our mixing formulas upon certain stated mechanical processes of percentage bases. Now, may I ask you while I am on my feet—

Dr. JORDAN (interposing). I wish you would answer my question first. Then I will answer one from you. You state that the chemical analysis shows the value of feed?

Mr. ABBOTT. No, sir; I said it was a measure of value which has been recognized.

Dr. JORDAN. Yes; but it is recognized as entirely inefficient.

Mr. ABBOTT. Then that has to do with the manner of enforcing that part of the regulations. If your chemists or those that are expert on that line prefer to draw up your laws so that you have a different working basis, of course, we are willing to abide by them. But may I ask you, Dr. Jordan, if we are to be bound to the question of percentage of materials in a mixture, and at the same time comply with the protein contents and the fat contents and the fibre contents of feeds, as required by the State laws, will you tell me how it can be done?

Dr. JORDAN. I suppose there are some difficulties there, where you have a variable material, but in that statement you confess to the variable value of the various things you are selling.

I would like to comment on my friend Chapin. I don't recognize him in the rôle he is playing to-day, because formerly he furnished me with some very severe condemnation of the inferior materials in feeding stuffs, years ago, and, I declare, I don't recognize him now. [Laughter.]

Another thing I wish to say, Brother Chapin is always a little off on his nutritious facts. He said it didn't make any difference where an animal gets its feed. Now, you know that an animal can't get energy enough from roughage alone. It has got to have something else.

MR. CHAPIN. I know that.

DR. JORDAN. Well, I wanted to correct that statement, that is all.

Representative LEVER. Mr. Chairman, may I suggest, if we go on at the rate we have started to-day we will be here until next July on this proposition, and I suggest that we let the witnesses proceed, and if Mr. Abbott, representing one side of this proposition, and Mr. Ward, representing the other side, wants to ask questions, it can be done after the witness finishes his general statement.

DR. JORDAN. Mr. Chairman, may Mr. Jordan break in for just one moment? I want to be fair to these people. I don't like the implication that the death rate in the State of New York on cattle has been increased because of anything that has been sold in the feeds, because nobody has any proof of that, and that isn't fair to the feeding-stuff trade.

Representative LEVER. I don't think the implication made any impression on the committee.

The CHAIRMAN. Mr. Abbott, will you furnish a list of the Feed Manufacturers Association?

MR. ABBOTT. Yes.

(The list referred to was subsequently furnished by Mr. Abbott and is here printed in full, as follows:)

MEMBERS OF AMERICAN FEED MANUFACTURERS ASSOCIATION.

AUGUST 1, 1918. ACTIVE MEMBERS.

Abingdon Milling & Cattle Feeding Co., Abingdon, Ill.
 Akron Feed & Milling Co., The, Akron, Ohio.
 Albers Bros. Milling Co., Seattle, Wash.
 American Hominy Co., Indianapolis, Ind.
 American Linseed Co., New York, N. Y.
 American Milling Co., Peoria, Ill.
 American Sugar Refining Co., Chicago, Ill.
 Ames-Burns Co., Jamestown, N. Y.
 Arcady Farms Milling Co., Chicago, Ill.
 Armour Fertilizer Works, Chicago, Ill.
 Atlas Feed & Milling Co., Peoria, Ill.
 Badenoch Co., J. J., Chicago, Ill.
 Bailey, E. L., Cleveland, Ohio.
 Baltimore Pearl Hominy Co., Baltimore, Md.
 Brode & Co., F. W., Memphis, Tenn.
 Brooks Elevator Co., Minneapolis, Minn.
 Buckeye Cotton Oil Co., The, Cincinnati, Ohio.
 Buffalo Cereal Co., Buffalo, N. Y.
 Butler & Co., Edw. J., Chicago, Ill.
 Byrnes & Co., W. J., Chicago, Ill.
 Carlisle Commission Co., Kansas City, Mo.
 Central Mills Co., Dixon, Ill.
 Cereal Byproducts Co., St. Louis, Mo.

Chamberlain Co., F. B., St. Louis, Mo.
Champion Feed Milling Co., Lyons, Iowa.
Chapin & Co., Chicago, Ill.
Chicago Heights Oil Mfg. Co., Chicago, Ill.
Clinton Alfalfa Mill Co., Clinton, Okla.
Clover Leaf Milling Co., Buffalo, N. Y.
Colorado Alfalfa Milling Co., The, Boulder, Colo.
Conkey Co., The G. E., Cleveland, Ohio.
Corno Mills Co., The, St. Louis, Mo.
Corn Products Refining Co., New York, N. Y.
Cox Co., Chas. M., Boston, Mass.
Crabbs, Reynolds, Taylor Co., La Fayette, Ind.
Darling & Co., Chicago, Ill.
Delany, Frank J., Chicago, Ill.
Denver Alfalfa Milling & Products Co., The, Lamar, Colo.
Devereux Co., W. P., Minneapolis, Minn.
Dickinson Co., The Albert, Chicago, Ill.
Dixie Mills Co., East St. Louis, Ill.
Dodge-Hooker Mills, Wausau, Wis.
Dold Packing Co., Jacob, Buffalo, N. Y.
Douglas Co., Cedar Rapids, Iowa.
Dreyer Commission Co., St. Louis, Mo.
East St. Louis Cotton Oil Co., National Stock Yards, Ill.
Edgar-Morgan Co., Memphis, Tenn.
Eikenberry-Fitzgerald Co., The, Cincinnati, Ohio.
Elmore Milling Co., Onconta, N. Y.
Emison & Co., J. & S., Vincennes, Ind.
Eimert Co., The F. L., Cincinnati, Ohio.
Empire Grain & Elevator Co., Binghamton, N. Y.
Eshelman, John W., Lancaster, Pa.
Eureka Mills Co., St. Louis, Mo.
Farmers Cotton Oil Co., Wilson, N. C.
Farmers Equity Cooperative Co., Lamar, Colo.
Feeders Supply Co., Kansas City, Mo.
Fisher Flouring Mills Co., Seattle, Wash.
Garden City Milling Co., Garden City, Kans.
Globe Elevator Co., Buffalo, N. Y.
Golden Grain Milling Co., East St. Louis, Ill.
Goldsboro Milling & Grain Storage Co., Goldsboro, N. C.
Gould Grain Co., Minneapolis, Minn.
Grain Belt Mills Co., St. Joseph, Mo.
Grandin Milling Co., D. H., Jamestown, N. Y.
Great Western Alfalfa Milling Co., Denver, Colo.
Gulfport Grocery Co., Gulfport, Miss.
Hailey Co., John H., Houston, Tex.
Hales & Edwards Co., Chicago, Ill.
Hamlin, Dwight E., Pittsburgh, Pa.
Haskell & Co., W. H., Toledo, Ohio.
Haywood Alfalfa Warehouse Co., The, Kansas City, Mo.
H-O Co., The, Buffalo, N. Y.
Hord Alfalfa Meal Co., T. B., Central City, Nebr.
Howell Grain & Feed Co., Union City, Tenn.
Humphreys-Godwin Co., Memphis, Tenn.
Imperial Grain & Milling Co., Toledo, Ohio.
International Sugar Feed Co., Minneapolis, Minn.
Kasco Mills, Waverly, N. Y.
Kellogg & Sons (Inc.), Spencer, Buffalo, N. Y.
Kennedy, Morris, Rochelle, Ill.
Kornalfalfa Feed Milling Co., Kansas City, Mo.
Krause Milling Co., Chas. A., Milwaukee, Wis.
Lake Shore Elevator Co., The, Cleveland, Ohio.
Lamar Alfalfa Milling Co., Lamar, Colo.
Lancaster Commission Co., St. Louis, Mo.
Larrove Milling Co., The, Detroit, Mich.
Lederer & Dickson Co., Chicago, Ill.
Liddy & Co., Frank T., Chicago, Ill.
Louisiana State Rice Milling Co., New Orleans, La.

Lovitt & Co., L. B., Memphis, Tenn.
Manire Brokerage Co., Memphis, Tenn.
Marco Mills, Pine Bluff, Ark.
Marcus, Julius, New York, N. Y.
Matthews & Co. (Inc.), F. B., Kingston, N. Y.
Meader-Atlas Co., The, New York, N. Y.
Meinrath Brokerage Co., Chicago, Ill.
Milligan Co., C. J., Sioux City, Iowa.
Milwaukee Grains & Feed Co., Milwaukee, Wis.
Miner-Hillard Milling Co., Wilkes-Barrie, Pa.
Moon-Taylor Co., Lynchburg, Va.
North Bros., Kansas City, Mo.
Northern Illinois Cereal Co., Chicago, Ill.
Nowak Milling Corporation, Buffalo, N. Y.
Omaha Alfalfa Milling Co., Omaha, Nebr.
Osage Cotton Oil Co., Kansas City, Mo.
Park & Pollard Co., The, Boston, Mass.
Park & Pollard Co. of Illinois, The, Chicago, Ill.
Patterson & Co., G. E., Memphis, Tenn.
Penick & Ford (Ltd.), New Orleans, La.
Peters Mill Co., M. C., Omaha, Nebr.
Pierce Co., Frank A., Minneapolis, Minn.
Pincoffs Co., Mauricet, Chicago, Ill.
Prairie State Milling Co., Chicago, Ill.
Purity Oats Co., Davenport, Iowa.
Quaker Oats Co., The, Chicago, Ill.
Ralston Purina Co., St. Louis, Mo.
Rapier Sugar Feed Co., Owensboro, Ky.
Richardson Bros., Philadelphia, Pa.
Riley Feed Mfg. Co., Pine Bluff, Ark.
Royal Feed & Milling Co., Memphis, Tenn.
Smith, Parry & Co., Milwaukee, Wis.
Smith & Wallace Co., J. C., Newark, N. J.
Snyder & Co., C. U., Chicago, Ill.
Soper Co., J. E., Boston, Mass.
Southern Cotton Oil Co., The, Charlotte, N. C.
Sperry Flour Co., Stockton, Cal.
Spratt's Patent (America) (Ltd.), Newark, N. J.
Stratton-Ladish Milling Co., Milwaukee, Wis.
Superior Feed Co., The, Memphis, Tenn.
Swift & Co., Chicago, Ill.
Syracuse Milling Co., Syracuse, N. Y.
Tarkio Molasses Feed Co., Kansas City, Mo.
Tennessee Fibre Co., Memphis, Tenn.
Texas Cake & Linter Co., Dallas, Tex.
Tioga Mill & Elevator Co., Waverly, N. Y.
Ubiko Milling Co., The, Cincinnati, Ohio.
Union Seed & Fertilizer Co., New York, N. Y.
United States Stock Food Co., The, Kansas City, Mo.
Valley Milling Co., The, St. Louis, Mo.
Viehman Grain Co., Minneapolis, Minn.
Virginia Feed & Milling Corporation, Alexandria, Va.
Wade, John & Sons, Memphis, Tenn.
Weiss Milling Co., The Otto, Wichita, Kans.
Westbrook Grain & Milling Co., Pine Bluff, Ark.
Western Alfalfa Milling Co., The, Denver, Colo.
Western Grain Products Co., Hammond, Ind.
West India Sugar & Molasses Corporation, New Orleans, La.
Wilson & Redus, Meridian, Miss.
Wood & Sons, T. W., Richmond, Va.

ASSOCIATE MEMBERS.

Bauer Bros. Co., The, Springfield, Ohio.
Bemis Bros. Bag Co., St. Louis, Mo.
Bosworth Bag Co., Memphis, Tenn.
Central Bag Mfg. Co., Chicago, Ill.

Eastern Federation of Feed Merchants, F. C. Jones, Secretary, Bullville, N. Y.
 Gump Co., B. F., Chicago, Ill.
 Mente & Co., New Orleans, La.
 Miner Laboratories, Chicago, Ill.
 Mutual Millers & Feed Dealers' Association, Roy Mulkie, secretary, Union City, Pa.
 Sprout, Waldron & Co., Muney, Pa.

[Extract from constitution of American Feed Manufacturers' Association, showing purposes of organization.]

ARTICLE II.—*Purposes.*

The purposes of this association shall be: To assist in the enactment and enforcement of uniform laws and regulations which in their operation shall deal justly with the rights of feeding stuffs, manufacturers, dealers, and consumers. By concert of action with each other and with administrative officers of State and Federal laws, either individually or in their organized capacity, endeavor to correct any abuses, dishonest practices, or any evils in any way pertaining to the feeding stuffs industry.

To foster and promote such relations and intimacies between its members as shall tend to firmer business relations in which all can stand together in efforts to improve and perfect a standard of business integrity which shall include honesty of representation, carefulness of obligations, and promptness of execution.

The CHAIRMAN. Is the Armour packing house represented on that board?

Mr. ABBOTT. I have before me, Senator—

The CHAIRMAN (interposing). Answer that question, Mr. Abbott.

Mr. ABBOTT. They have not.

The CHAIRMAN. Nor Swift & Co.?

Mr. ABBOTT. No, sir.

The CHAIRMAN. Nor Morris?

Mr. ABBOTT. No, sir.

The CHAIRMAN. Mr. Ferguson is not with Armour & Co.?

Mr. ABBOTT. He was, so far as I know, at one time. I am not familiar with that now. He was with Swift at one time, I should have said, but I am not acquainted with his present position. I haven't had occasion to investigate it.

Mr. WHITE. There is one thing I would like to say, Mr. Chairman, before retiring, and that is, that I did not mean to convey anything more than that I had heard a rumor—heard a statement—that cattle diseases might be due to feed. However, I had no authority for the positive statement. I will say this, however, the position of the State of New York is plainly shown, I think, by the resolutions which have been passed by the Dairy Men's League, representing nearly 60,000 members.

The CHAIRMAN. Have you got that resolution?

Mr. WHITE. No; I think they have been forwarded.

The CHAIRMAN. I wish you would furnish that.

Mr. WHITE. I will do so. The resolutions were also passed by the New York Grange, of 10,000 members; the Farms and Markets Council of the State of New York, which is at the head of our board of agriculture. All of these passed resolutions asking for the passage of this act. That is, practically all of the farmers of the State of New York.

Representative LEVER. Senator Gore, may I make another suggestion? We ought to get down to the brass tacks of this proposition before finishing this testimony, as to absolutely what you have in

mind or what this conference has to deal with. Now, it seems to me that if we boil this thing down to its essence we have got several propositions. First, we have got this proposition: Is there machinery in existence, State and Federal, which will protect the farmers against the sale of fraudulent feed? Is that proposition No. 1 stated broadly enough, you think, Senator?

The CHAIRMAN. That question enters into it; yes.

Representative LEVER. That is the one thing that enters into it. Now let's see if we can't amend it so we can get down to the basis.

The CHAIRMAN. Here is one point on that. The existing amendment is different, perhaps, in this regard. It proceeds to make the interstate shipment of these feeds and other feeds a crime. It permits the Secretary of Agriculture to issue permits for the shipment of feed where it complies with certain feeding value. Now it makes the act of the interstate shipment of adulterated feed a crime. Something affirmative has got to be done to prevent the man who would violate that law from violating it—to make him conform to it, and that is the object of this legislation—to define the law and then make the people conform to it. It takes some affirmative action for them to make shipment after that, and that will be done under rules and regulations of the department which will guarantee that the shipment complies with the law. That is the theory of it.

Representative LEVER. Well, now, I disagree with the Senator on that to some extent. I don't disagree with the burden of the proposition, but I still insist that the testimony before the conference tends to show that we have State and Federal laws which now protect the consumer against fraudulent feeds.

The CHAIRMAN. Designed to protect them.

Representative LEVER. Now, first of all, let us determine if that is true or not, whether we have sufficient laws, and in connection with that call some witness who can testify as to what the State laws are first, and then we will have the Solicitor of the Department of Agriculture here to testify as to what the Federal law is. Now that is a concrete basic proposition that we ought to follow.

Now, the other proposition is, granting that you do have State and Federal laws which give protection—should give protection—let us ascertain if these laws are being enforced for the protection of the consumers of these feed stuffs. If we don't have the machinery, Federal or State, combined or separately, then let us take testimony as to what kind of law we want. Now that seems to me to be what we are driving at, but if we scatter our shot we will be here until next July.

The CHAIRMAN. We have had some testimony here that the existing laws were not effective.

Representative LEVER. Conflicting testimony.

The CHAIRMAN. Yes. The feed manufacturers so far have testified that they were ample.

Representative HATGEN. Mr. Chairman, Dr. Jordan testified, I think, that about half of them are adulterated and don't come up to standard according to actual analysis under existing laws. Others have testified to that effect, and I think we ought to have some testimony of some farmers on that point.

THE CHAIRMAN. We will have Dr. Mumford now, who can probably shed some light on that.

MR. ABBOTT. May I ask for the Chicago Board of Trade that their representative be heard for just about five minutes?

THE CHAIRMAN. Yes; we will hear him for five minutes.

MR. ABBOTT. Their representative is here from Chicago and wishes to get away to-night.

THE CHAIRMAN. Certainly we will hear him for five minutes.

STATEMENT OF A. STAMFORD WHITE, PRESIDENT OF THE BOARD OF TRADE, CHICAGO, ILL.

MR. WHITE. Mr. Chairman and gentlemen of the committee, the Chicago Board of Trade and other grain exchanges, which are the principal agencies for marketing the crops of the country, are particularly interested in marketing the same so as to attain the best results for the producer and at the same time, by eliminating all waste or loss of valuable material, which loss would lessen the supply, serve the interests of the consumer.

Our ownership not only handles grain in the condition in which it is received from the farm, but also represents the enormous capital investments in elevators equipped for the economical handling and cleaning of grain, also mills and manufacturing plants.

Most grain as received from the producer requires treatment in the form of cleaning, removal of foreign matter, separating a percentage of other grains, and sometimes drying. Elevators are equipped with machinery for such purposes, and a market is found for the by-product through mills properly equipped to make available the feeding value which they contain.

It is an established fact that these by-products can not be easily distributed or made use of in their raw state, so feed grinding and mixing plants have been equipped with modern machinery for the purpose of securing the full feeding value.

It is apparent, therefore, that the by-products have a value which is made available by the means referred to, resulting in a higher value to the grain and a better return to the producer than would be the case if the by-products were burnt under the boilers, as in the days before suitable machinery existed for their conservation.

The quantity of screenings cleaned from the grain in the larger centers of the American Northwest is estimated at upward of 300,000 tons annually, and this quantity forms the basis for 1,000,000 tons of stock feed of proven value.

THE CHAIRMAN. What was the 200,000 tons? I didn't understand that. Was that screenings?

MR. WHITE. Screenings; yes, sir. Except in the case of sheep feeding the feed value of screenings is largely lost unless they be finely ground, for when fed to stock a large proportion passes through undigested. In addition to this loss many of the seeds pass through the animal without losing their fertility and produce weeds on the farm. In addition to the screenage, the oat clippings from the Chicago elevators alone amount to 5,000 tons annually, and the corn offal from cleaning and drying plants, 2,500 tons, giving some ideas as to what the loss would amount to in the entire country.

Fifty years ago, when the population was smaller and the urban and the industrial population was smaller in relation to the rural, when there was a surplus of land, there was no problem connected with the food supply for man nor animal, so extravagance and waste naturally obtained. With the increase of wealth extravagance and waste became the habit of the people. With a rapidly growing population and higher prices scientific methods have gradually been applied to production, and to the thinking mind it has become apparent that more attention must be paid to the method of living and economy.

The necessities forced by war conditions and the work of the Food Administration, under the wise direction of Mr. Hoover, have brought the attention of the people to the subject earlier than would otherwise have been the case, and it may result in permanent benefit to the country.

It is with all respect and deference that I suggest that it would be most unwise, and particularly so during the present crisis to enact any legislation which would curtail the available supply of feed or lessen the facility of its distribution.

In entering this plea it should be remembered that the board of trade refers only to those grain products, or extracts from grain, as are of known and tried feeding and commercial value, and which should not be confused with sawdust, dirt, nut trimmings, corn cobs, or other worthless or injurious matter mentioned in the bill. Those found guilty of using such worthless or deleterious matter should be severely dealt with under the provisions of the pure food law. And if that law does not provide the means of taking such proceedings I should think that it should be strengthened.

The adoption of the amendment as written would result, first, in lessening the return obtained by the producer for his grain; second, in reducing the supply of feed; third, in enhancing the cost of feed to the feeders, and consequently the cost of food products to the consumer.

In a general way, Mr. Chairman, this represents the concensus of opinion on the Board of Trade of the City of Chicago.

THE CHAIRMAN. Well, I agree with your reasoning, Mr. White, in everything except the conclusions. I think most anybody would agree with the first part of your statement, but I am not so sure that the results will follow that you depict. I don't see why the incorporation of a provision against the interstate shipment of low-feed value stuffs as high-feed value stuffs would hurt the producer or the consumer, either one. Now, I am certain that you don't think that low-value stuff ought to be sold as high-value stuff, and what we and what you want to get is to enable each to be sold on its merits so that one can not be sold under the camouflage of the other. Now, we will be glad to have any suggestion you have to make on that.

MR. WHITE. It occurs to me, sir, in that connection that in making a compound feed that the present preference of the articles of greater bulk or lower value would counterbalance those of more concentrated value and average the price. It is true that it would enhance the price of the lower, but it would also reduce the cost of the higher in the average price.

STATEMENT OF A. B. CHILLUM, REPRESENTING THE FOOD ADMINISTRATION OF MASSACHUSETTS.

Mr. CHILLUM. Mr. Chairman, if I might say a word right there.

The CHAIRMAN. Do you desire to catch a train, Mr. Chillum?

Mr. CHILLUM. Yes, sir.

The CHAIRMAN. We have been proceeding rather informally, letting everybody do about as they please here, but if you are obliged to leave to-night we will hear you now.

Mr. CHILLUM. The situation in Massachusetts and, in fact, throughout New England, is very serious in the matter of this feed situation. It was last winter. It is true now and we are looking forward to a very serious situation next year. Now, if the law, or this amendment as now written, goes into effect there is going to be very serious trouble. In fact, we will have an entire upsetting of the feed situation in Massachusetts, making it much worse than it is now.

The CHAIRMAN. Will you point out how that will happen? That is what we want.

Mr. CHILLUM. Now, we don't have any objections, of course, to telling the farmer exactly what he is getting. We want him to have that. In going into this thing we asked the experiment station down at the agricultural college regarding it, and Mr. Smith, of the agricultural station, is here, and since he is a technical man and understands this thing, I would like to have him speak on that subject, because that is where we got our information, and he has also to catch a train, and I hope you will be willing to hear him.

The CHAIRMAN. All of these trains seem to be leaving about the same time.

Representative HAUGEN. The gentleman didn't state how it would affect the situation in Massachusetts. I think we ought to call on him to explain that.

Representative LEVER. Mr. Smith is going to state that.

STATEMENT OF MR. PHILLIP H. SMITH, OF THE MASSACHUSETTS AGRICULTURAL EXPERIMENT STATION, CHEMIST IN CHARGE OF THE FEED-CONTROL WORK OF MASSACHUSETTS.

The CHAIRMAN. Under whose auspices do you appear, Mr. Smith?

Mr. SMITH. Under the auspices of the Director of Experiment Stations.

Mr. Chairman and gentlemen, in Massachusetts those in charge of feeding stuffs legislation have always taken the attitude that it is allowable to sell any product having a food value, providing it is not injurious. We assume that the amendment would allow the interstate shipment of articles mentioned, provided they were unmixed with other materials. This, in our estimation, would not materially improve the situation, and it is our belief that it would be much better for the continued sale of such products blended in such a manner as to allow their use to the best advantage. It has repeatedly come to our attention that low-grade products sold by themselves are used by uninformed people in the place of better material, especially where—I am speaking, gentlemen, from my own experience—

especially where a low price is an incentive to purchase. The low-grade material in the mixtures offered must be kept at a minimum on account of the competition with high-grade material.

The adoption of the amendment would simply help to confuse an already perplexing situation, especially from the northeastern section of the country, where a sufficient quantity of feeding stuffs is to be the problem during the duration of the war. We would like to know what is to be done with these residues left at the place of manufacture, and what will be the effect on the price of human foods from which most of the products are derived. We believe that the injurious effects of such an amendment at the present time are much broader than its context would indicate.

The assertion has been made that there has been a constant deterioration in mixed feeds during the past two years. My experience as feedstuff inspector over a period of 18 years leads me to question the accuracy of this statement. The only two products that I know of that have really deteriorated certainly are products which probably, if a strong plea were put up to the Secretary of Agriculture, would be exempted under the provision in the second section, and those are peanut cakes mixed with peanut hulls, and cottonseed cakes mixed with cottonseed hulls, if the manufacturers could demonstrate that in their process of manufacture those materials—that it is necessary to press those materials together.

In conclusion, we believe that the preservation and utilization of any product having feed value is a vital question in conservation and that the blending of all such products so that they can be utilized to the best advantage is a legitimate business.

Now, I have heard it said here several times that it is largely a question of relative values. To my mind there is one side of the question which has not been brought out, and that is that if it is a question of relative values, the feeding-stuff manufacturers on the one side claiming that their products are sold for a price which does not give them an excessive profit, the opposition on the other hand claiming that these feeds are sold at an exceedingly high price—I believe the Food Administration has ample authority to investigate that point, and at this time when we enter another complication into the utilization of every product which is absolutely necessary, it is a bad procedure to have legislation along that line, and that with the ample power of the Food Administration to investigate this matter they can regulate the matter so that these feed stuffs will not be sold, when sold in combination as mixed feeds, at excessive profits, if that is the case.

THE CHAIRMAN. You think the Food Administration has that power?

MR. SMITH. I believe they do. They have power to do most anything but take a man out and shoot him at sunrise.

THE CHAIRMAN. Is Mr. Chapman, of the Food Administration, here?

MR. SMITH. He is a member of it, and I think he can interpret the rules and powers under which they work.

THE CHAIRMAN. Have you made your statement in full?

MR. SMITH. I might add that probably about 35 per cent of feeding stuffs of this character are used in Massachusetts. The Massachusetts Agricultural College uses them and they get mighty good

results. Lots of farmers use them and get good results, and they come back and buy again.

The CHAIRMAN. What are you speaking of now?

Mr. SMITH. The mixed products containing oat hulls and various other things.

The CHAIRMAN. What do you mean by "various other things"? Of course, farmers are buying mixed feeds all over the country.

Mr. SMITH. Oat hulls, screenings, material which you have designated as having a low feeding value.

The CHAIRMAN. Now, do you think that anything ought to be sold to a farmer as highly concentrated feed, or any other sort of feed, that is mixed with those things that detract materially from its feeding value?

Mr. SMITH. Why, Mr. Chapin has made the contention here--and others--that you can not mix two feeds without bringing that about.

The CHAIRMAN. That is splitting hairs. That is an evasion of the question. There have been a good many things enumerated here that obviously detract from the feeding value. You take cottonseed hulls and mix them with cottonseed meal, and the mixture is not as good as cottonseed meal, of course. It is not as high, I mean, in certain values. But there are mixtures here referred to that detract materially from the feeding value. Now, you say they do not?

Mr. SMITH. They may detract to a certain extent, but they are used in a very small volume that forms an outlet for that kind of material.

The CHAIRMAN. If they don't detract materially from the value they won't be prohibited under this law, will they?

Mr. SMITH. I don't know.

The CHAIRMAN. Well, it says only those that detract from the value, and where they don't detract materially from the value the Secretary of Agriculture is authorized under this rule to permit this interstate shipment. Now, if they don't detract materially from the feeding value, they wouldn't be prohibited; that is, I think, certain. Now, if it would, it ought to be prohibited, ought it not?

Mr. SMITH. Well, they are sold for what they are, under a guarantee and a statement of the ingredients.

The CHAIRMAN. Is that your law?

Mr. SMITH. Yes, sir.

The CHAIRMAN. And that relates to stuff shipped in from the outside?

Mr. SMITH. For local manufactured stuff and interstate material.

The CHAIRMAN. Now, you hear no complaints, then, from dairymen of your State about inferior feeds?

Mr. SMITH. We hear occasional complaints. We had a complaint from a man the other day because he bought oat hulls or oat feed in place of some other feed, and he said that he wanted to have me go out and arrest the man, but the man had sold him stuff for just what it was and he had used that material in place of something of a rather high feeding value.

The CHAIRMAN. So the man sold it to him for what it was?

Mr. SMITH. Yes.

The CHAIRMAN. Then that can be done, can it not?

Mr. SMITH. You can sell anything having a feeding value.

The CHAIRMAN. There is no reason why a man should not sell stuff for what it is, but I understand it is not your contention that the stuff ought to be sold to farmers for something else than what it is.

Mr. SMITH. No; I don't think it is. I think we agree on that point.

The CHAIRMAN. How old is your feedstuffs law?

Mr. SMITH. It was, as originally passed, one of the first feedstuffs inspection laws in the United States, that, and the State of Maine, and the State of New York, and Connecticut, came in, I think, about the same time.

The CHAIRMAN. Has it been amended?

Mr. SMITH. It has been amended twice.

The CHAIRMAN. Was its enactment based upon some sort of necessity to protect the consumers of feeds against adulteration?

Mr. SMITH. We felt that it was.

The CHAIRMAN. Now, you speak generally. Have you made a chemical analysis of these specimens of foodstuffs to see that they contain only valuable ingredients?

Mr. SMITH. We have.

The CHAIRMAN. Have you got some of those with you?

Mr. SMITH. The bulletins?

The CHAIRMAN. Have you found stuff in the specimens that was not of value?

Mr. SMITH. Why, we found material in it; we have found material in feeding stufss, material of unequal feeding values, different feeding values.

The CHAIRMAN. Oh, well, of course, that is true.

Does anyone wish to ask Mr. Smith any questions? If not, you can catch your train now.

Mr. SMITH. On this matter of catching trains, Senator, there is another man in the party, Mr. Hepburn, who is a practical farmer. I haven't heard any practical farmer here today.

Representative HAUGEN. Just one question. A gentleman preceding you made a statement to the effect that it was necessary to adulterate foods in order to save the food situation. What is your explanation of that? Do you believe it is necessary to permit the adulteration of foods to save the present food situation?

Mr. SMITH. I do not believe, sir, that the feeding stufss are generally adulterated.

Representative HAUGEN. But I was asking you the question. That is a question involved in this amendment, and if effected, will the prevention of the adulteration of food, or deception in the sale of it, affect the food situation? Is it necessary to adulterate and deceive in order to save the food situation?

Mr. SMITH. I understand, sir, it is not adulteration as long as they state what they are selling.

Representative HAUGEN. Have you listened to the evidence before you came on, the evidence here to show that there is deception? I think the statement made by Dr. Jordan proves that there is deception in the sale of feed, and you couldn't expect anything else. The action of one dealer is not indicting all of them, and I assume there are just as many honest people engaged in the production of

feed as there are in any other line of activity, but there are those possibly that may be dishonest, and the purpose of this bill, as I understand it, is to overcome this very thing. Now, do you seriously contend that it is necessary to deceive in order to save the present feed situation?

Mr. SMITH. I don't think it is necessary to deceive, sir.

Representative HAUGEN. Then what is your reason for the statement made by the gentleman who preceded you? How will it affect the feed situation in your State?

Mr. SMITH. In the first place it will throw a large quantity of low-grade by-products unmixed onto the market.

Representative HAUGEN. No; I don't think it will do any such thing.

Mr. SMITH. Then you are going to create a feed shortage.

Representative HAUGEN. I don't think you would question the integrity or judgment of the Secretary of Agriculture. I think it is safe to leave it to him, and it isn't fair, I think, for anybody to appear before this committee questioning the integrity of the Secretary. It is left to his discretion, and we simply assume that he will do the right thing by all, and that all will have a square deal under this law as under every other law. Of course, if you take the position that we are not going to have an honest administration by the Secretary, why I presume we will have to yield to your contention. I would like to have you explain—you have been called upon here to explain why it would effect a different situation.

Mr. SMITH. I think because, in a way, we have had a certain line of mixed food coming into the State. We have had these mixed rations and mixed feeds in a proportion of possibly 30 to 35 per cent—an old established business. A large proportion of the men that are buying those feeds are satisfied. In selling other kinds of feeds, bringing a large amount of feed into the State in different forms, you are certainly going to create an element of confusion.

Representative HAUGEN. Assuming that the Secretary would not permit the use of these feeds of lower value—

Mr. SMITH. He would permit the use of them; I know he would.

Representative HAUGEN. Then it will not affect you. It is left to the discretion of the Secretary, is it not?

Mr. SMITH. We are going to have it in another form.

Representative HAUGEN. How do you know it will be in another form? Do you assume that an honest product would not be permitted to be shipped into the State under the permit issued by the Secretary? Do you assume he is going to take advantage of you?

Mr. SMITH. No. I confess I do not quite see your point, but I contend that the feedstuff shipped into the State containing oat hulls—

Representative HAUGEN. You think it is necessary to deceive them in order to sell it? The contention here is that everything should be labeled, that every man should know exactly what he buys. We have had the same thing to contend with all these years: as to oleomargarine, for instance. The manufacturers contended that they should be permitted to sell it for what it was not. That seems to be the contention here, that you should be permitted to sell something, not for what it is but for what it is not. Now, is it necessary to

deceive the people in order to save the feed situation? That is the contention made in here by the gentleman who preceded you.

Mr. SMITH. They are selling these products in conformity with all the laws under which they are sold.

Representative HAUGEN. What about this law?

Mr. SMITH. I do not think it is necessary.

Representative HAUGEN. The gentleman who preceded you said it was going to embarrass you people; that it was going to practically destroy the feed situation in your State.

Mr. SMITH. I believe it is.

Representative HAUGEN. Then I presume you have some proof for it, based upon some facts of some kind. To allege a thing is one thing, and believe a thing is another thing.

Mr. SMITH. It is going to multiply the number of brands of feeds sold to a certain extent. You are going to have a lot of new products which very few of the farmers understand. They understand how to feed these old products.

Representative HAUGEN. I can not see that it either adds or detracts in the least. If you are selling an honest product, now, I assume the Secretary would say, "Go ahead, here is you permit." But, in my opinion, if you are selling corncobs or pure cottonseed meal, I think he would say, "I believe you need a little regulation."

Mr. ABBOTT. Mr. Chairman, may I interject a remark at this time?

The CHAIRMAN. There are a number of other witnesses to be heard. Suppose you wait until they have finished.

Representative HAUGEN. I am simply asking you the question.

Mr. SMITH. I contend that he is not selling corncobs.

Representative HAUGEN. That is all I wish to ask.

Mr. WARD. The gentlemen whom I represent—the National Milk Producers' Association and the National Live Stock Association—for their information, would like to know by whose invitation you attend and present this argument at this hearing.

Mr. SMITH. I was called up last Friday afternoon by Mr. John Willard, who is a member of the Massachusetts Food Administration.

Mr. WARD. And under Mr. Chapman. Is he the Mr. Chapman in Food Administration circles here?

Mr. SMITH. I do not know. He is connected with the Food Administration office in Boston.

Mr. WARD. Has he charge of the administration of dairy foods in that State?

Mr. SMITH. To a certain extent I believe he has.

Mr. WARD. And is there an arrangement about paying your fares and expenses here?

Mr. SMITH. I do not know. I was asked by the president of the college to come down here.

Representative LEVER. Mr. Ward, that suggests the question, Who brings you here?

Mr. WARD. The National Dairymen's Association and the National Milk Producers' Association.

Representative LEVER. Who pays your expenses?

Mr. WARD. They do.

Representative LEVER. I do not ask that in a contentious spirit, but it seems to me these little personalities should not be interjected

into this discussion. The whole conference here is for the purpose of trying to work out a big problem, and I think it makes no difference who brought the gentleman here.

Mr. WARD. The gentleman wanted to know. I have no personal interest in these associations. I asked the question at the suggestion of the president of the National Live Stock Association.

Mr. ABBOTT. Who is he?

Mr. LASATER. I asked Mr. Ward to put that question.

The CHAIRMAN. Let us not get into that sort of thing. We will hear the other gentleman who wants to catch the train—Mr. Hepburn, I believe.

STATEMENT OF MR. W. K. HEPBURN, MANAGER UPLAND FARMS, IPSWICH, MASS.

The CHAIRMAN. Mr. Hepburn, I understand you are a farmer?

Mr. HEPBURN. Yes, sir. I came down here on my own resources. I have a few thoughts that I would like to bring to the attention of the meeting. We have gone over this thing in a somewhat more technical way than I am prepared to speak on it.

It has been my real good fortune for the past 10 years to have had under my personal charge as a usual thing never less than 150 cows—the herd which was and is to-day the greatest herd of Guernseys in the United States, probably. In that herd we have had the benefit of the best of breeding selection. It has been our effort to try to increase the milk production, and to that end we have devoted our thought and time and the use of the best and most nutritious feeds that would give us the best results over a long period of time. Years ago we were able to buy the so-called straight dairy ration; we were able to get it at any of our New England stores. The dealer was then enabled to carry it; he had capital to carry it on. Those feeds gave us very good satisfaction.

But as the years went by my own personal experience has been, and that of all the breeders and milk producers all over New England, as I have mingled with them, that these feeds that we were using were perhaps a little bit heavy, and we had to lighten them for the life of our cows, for a continuation year after year of high milk production. To-day we are able to go out and buy in our section of Massachusetts the so-called straight grains and mix them, but from a commercial standpoint we can not do this, as we find the dealer can not sell them at a price at which we can buy many of the so-called mixed rations, which to my own personal knowledge for the last several years have been used in the largest herds where world's records have been made. In many herds they are using straight rations and in many herds they are having lots of trouble, which perhaps will not interest you gentlemen here, as you are not cattle breeders.

Probably the greatest difficulty that is staring the dairy industry in the face to-day, particularly in regard to the pure-bred industry, is the nonbreeding of cattle. That is a serious question, gentlemen. It is one that has got to be considered. In many instances veterinarians have been devoting their time to the problem, the best in the country, with, to my own knowledge, very little relief.

Now, there must be a reason for that, and that reason to my mind is this—and I am giving you not only my own ideas, but what I have collected from the leading breeders of New England. A large part of the difficulty is due to the way the cattle are fed, and our own herd at the present time has been put on a broader ration. I am willing to acknowledge that I am not adverse to the use of oat hulls and various by-products when they are properly blended, because I have learned that in a great many instances each of the individual articles in that prepared feed make the other articles more palatable. With cattle, as at the human table, we want a variation of food; we must have palatability, and in a great many instances I believe that the qualities of the feed that make a cow reproduce, that make a good healthy calf and make the cow breed again the following year, are things that the wide ration gives.

Take cotton seed. In New England we have a large number of small farmers who run dairies with six or eight cows. Invariably if they buy straight grains they also buy some cotton seed and one or two other feeds and mix them, but they do not get it broad enough. Consequently, as some of the men I see sitting around here now, you can see the ribs of the cows as far as you can see the cows.

The Farmer is not to blame. He is doing the best he can. He can not buy a dozen different things and mix them; he can not do it. I am not an advocate of the ready-mixed feed, but I have used a good many of them, and I do not see where they have been violating the laws of Massachusetts, Maine, New Hampshire, Vermont, or Rhode Island to any large extent.

The CHAIRMAN. Well, what knowledge have you as to whether or not they have violated the law? Have you been an inspector of feeds? I mean you are a farmer, are you not?

Mr. HEPBURN. I am a farmer; yes, sir.

The CHAIRMAN. And you buy for your own use?

Mr. HEPBURN. Yes, sir.

The CHAIRMAN. Have you acted in any capacity that would bring you in contact with the mills?

Mr. HEPBURN. In many cases I have come in very close touch with the grain dealers and the leading dairymen throughout New England, as we attend all dairy shows, and we naturally talk over the things that are essential to the welfare of the dairymen in New England.

The CHAIRMAN. Then your conclusion is that as far as Massachusetts and Maine and all the New England States are concerned these adulterations are not a serious evil?

Mr. HEPBURN. I have not been aware within the last few years or at any particular time that there was adulteration.

The CHAIRMAN. If that prevails in New England and other parts of the country, the dairymen would not have any objection to its being stopped, would they?

Mr. HEPBURN. Personally I would not. I am only talking from my own point of view. This having been brought to my attention I thought I would like to say a word, because my experience along the line of pure-bred stock—

The CHAIRMAN. As to that phase of it, we appreciate the importance of having cattle fertile and reproductive, and undoubtedly

good feed tends to that result, but I am not quite sure that that goes just to the point at issue.

Now, do you not think the sale of peanut hulls and sawdust prevails in your State?

Mr. HEPBURN. No, sir; I do not. I would not say that peanut hulls are not sold. It may possibly be done.

The CHAIRMAN. You do not think that sawdust would contribute to the reproductive power of cattle in a breeding way?

Mr. HEPBURN. It would if they were bedded with it. If it were used for bedding instead of for feed it might help the production of milk.

The CHAIRMAN. You would object to it for feed, and not for bedding?

Mr. HEPBURN. Yes, sir.

The CHAIRMAN. I am glad that you have come here, because you say you are a farmer, but I would like to know who suggested your coming?

Mr. HEPBURN. Why, the matter was brought to my attention through the food commissioner in Boston.

The CHAIRMAN. Who is he?

Mr. HEPBURN. Mr. Chillum.

The CHAIRMAN. Is that the gentleman that was here a minute ago?

Mr. HEPBURN. The second last man that spoke.

The CHAIRMAN. Who is this food administrator? Is he appointed by some one here in Washington, or is that a State organization?

Mr. HEPBURN. I presume he is appointed by somebody in Washington.

Mr. CHILLUM. Mr. Chairman, may I make a statement?

The CHAIRMAN. Yes, sir; I would like to know, because we have so many organizations that we can not identify them.

Mr. CHILLUM. I am simply a member of the office force, as an agricultural expert, with the Board of Food Administration in the State of Massachusetts.

The CHAIRMAN. Is that board appointed by the governor?

Mr. CHILLUM. The board was originally appointed by the governor. I am not a member of the board.

The CHAIRMAN. Is it a local State organization?

Mr. CHILLUM. It is a local State organization, but it has been made a part of the United States Food Administration.

While I am on my feet, I might state in answer to this gentleman's question that the disrupting of the feed situation in Massachusetts by taking off the market the sale of mixed products is simply a practical question. We know that the farmer can not buy a lot of these different things and mix them; we know that he can not get the mill feeds at the present time.

Representative HAUGEN. That question is not involved in this bill.

Mr. CHILLUM. We understand that if the bill passes as it now stands mixed feeds will practically be eliminated. That is our understanding.

Representative HAUGEN. Evidently you have not read the second section of the bill.

Mr. CHILLUM. I have read it.

Representative HAUGEN. I think if you will read that you will reach some other conclusion. I think you will find it is left to the discretion of the secretary.

Mr. ABBOTT. Mr. Chairman, I wish to speak on this very point that Congressman Haugen brings up.

The CHAIRMAN. I think we shall have to ask you to wait, Mr. Abbott. We have a good many witnesses here.

STATEMENT OF MR. REESE B. HICKS, BROWNSVILLE, N. Y., PRESIDENT OF THE NATIONAL WAR EMERGENCY POULTRY ASSOCIATION.

Mr. HICKS. Mr. Chairman, may I have just a word?

The CHAIRMAN. Yes, sir.

Mr. HICKS. There are three things in this amendment that I want to protest against: First, damaged grain; second, screenings; and third, hay. That eliminates alfalfa and clover.

As poultry feeders we can not use wheat, and of damaged wheat and screenings we can use only 10 per cent or 15 per cent. We are limited. If damaged grains are entirely eliminated from our mixed feeds there is danger that our egg production and the reproductive power of our fowls will be very materially lessened. As to screenings—one of the basic features of our mash feeds—it must replace wheat, because under our Food Administration ruling we can not use milling wheat. As to hay, alfalfa is very largely replacing bran. In fact, many poultry breeders say they would rather have alfalfa meal than bran.

Then I want to say something as to waste. As poultry breeders we have had to revise our feeding calendar. Within two years what used to be waste has come to be a valuable feed. Those of us who have lived in the West, in Kansas, know that hogs almost live on alfalfa. While that is not considered a concentrate, yet to-day we are having to revise our textbooks on account of the value of alfalfa as a feed. As poultrymen we would be very seriously affected if we were cut off from feeding alfalfa in a mixed feed. We realize there are damaged grains—

The CHAIRMAN. What do you do with them?

Mr. HICKS. They can be fed to hogs with some safety, but to poultry they can not be fed as readily. I own a large farm; and we have our own mixing machines, we have our own system, and we have our own grinding machines and cracking machines.

There are three reasons why the average farmer can not do that. It does not pay us really. We buy these ready mixed feeds, and we find them all practically as good as our own mixed feeds. Of course they should be honest mixtures. Some of these things like peanut hulls should be eliminated from feeds.

Now, there are three reasons why the average farmer can not mix his own feed. First, he can not afford to own the machinery. The second reason is the cost of labor to-day, because it requires skilled labor, and labor is very high, especially along the eastern seaboard. The third reason is the cost of less-than-carload shipments. He can not afford to buy cottonseed meal and gluten meal and many of these other products that we have to use in large enough quantities,

and the freight rates are too high. We do buy in large quantities: we even buy in car lots on a cooperative plan, and distribute them. We are afraid that if this amendment passes as it is now worded it will have a serious effect on the poultry industry of New Jersey and many other eastern States.

The CHAIRMAN. You assume the Secretary of Agriculture would not permit the shipment of the stuff?

Mr. HICKS. That opens up the question of damaged grain. If it is ground it is a physical impossibility, in our judgment, to separate it.

The CHAIRMAN. I would like to say in this connection that one Pennsylvania Senator called my attention to a communication from a Mr. Nash, I think it was, of the Pennsylvania Poultrymen's Association, favoring this amendment.

I also have a letter here from a feed manufacturer located in the East, which I would like to have read to the committee. I ought to say that he asked that his name be withheld. If there is no objection I will ask to have the letter read.

(The clerk to the committee thereupon read the letter referred to, which is here printed in full, as follows:)

SEPTEMBER 14, 1918.

Senator GORE,

United States Senate, Washington, D. C.

DEAR SIR: You have an amendment to House bill 11945, which amendment was acted upon favorably by the United States Senate on Friday last. The feed trade seems to be somewhat upset because of this action, but there are some very good points to the amendment in question, and undoubtedly in the long run it would be of great benefit to the feeders in the country, although it might put out of business some manufacturers of mixed feed who use more or less junk in the preparation of their goods.

We are not attempting to defend either the amendment or the manufacturers of live-stock feed who might be interfered with in their present activities, but we are sending to you for your perusal a sample of ground screenings, which we received to-day from a concern in the West. These goods are offered at \$31 per ton in bulk f. o. b. an eastern point. If you will examine this sample and smell it you will find that it has every evidence of being off grade, and it was undoubtedly your purpose in asking for the amendment in question to avoid the use of just such material.

Some years ago we received from a western elevator concern a sample of what looked to us to be dirt taken out of a carpet sweeper. This was all brand new to us. We had never seen nor heard of anything like it and we wrote to these very estimable people and asked them what it could be used for. They very promptly answered and said that it was elevator sweepings and scourings and that they had sold it to mixed-feed manufacturers and that they would like to sell some of it to go into the western territory. This again is another one of the commodities that you are trying to eliminate from mixed feed, and so far as we can see there are many reasons why such stuff as this should be absolutely legislated out of business. There are many good feeds on the market—lots of mixed feeds that are above criticism in every way, and, of course, your amendment or any other legislation of a similar nature could not at any time affect a legitimate mixing proposition, particularly as the Secretary of Agriculture is authorized to issue written permits for the shipment of concentrated commercial feeding stuffs containing foreign material which, in his judgment, is inseparable from such prepared feeds.

We send you the sample herewith inclosed and the information in regard to the other material because we believe that it is well that you should be advised of these things. As we have stated above we are not attempting to argue that the amendment is either good or bad, neither are we attempting to set forth either the merits or the demerits of the mixed-feed industry. We merely give two interesting pieces of information and a sample which we think will prove of interest to you and perhaps help as well.

We should like to ask that you grant us one favor, and that is that if you discuss this matter at all either publicly or privately and use the information which we have given that you kindly refrain from quoting us. You see we occupy a rather unfortunate position. A great many manufacturers in the West might absolutely blacklist us if they thought we had done anything that might in any way interfere with their present activities. We might suffer the entire loss of our business because we have given you this information. Of course, we know that this would be un-American and undemocratic, that we should be so censured, but these things are done, as you undoubtedly know, so we ask you in all kindness not to divulge the source of this particular information. We are doing this in order that we may be protected, and we are sending you the information because we think it is our patriotic duty to do so. May we ask you to be good enough to acknowledge this letter and to assure us that you will not quote us at any time, although we want you to be free to use the information for your own purpose.

Respectfully, yours,

The CHAIRMAN. Now, we have had two practical farmers. Mr. Lasater, we would like to hear you for about five minutes.

Mr. LASATER. On what particular phase of the matter, Senator?

The CHAIRMAN. I believe you are a cattleman, to a certain extent. We would like to hear you as to desirability of permitting the interstate shipment of adulterated feedstuffs.

STATEMENT OF MR. E. C. LASATER, STOCKRAISER, FALFURRIAS, TEX.

Mr. LASATER. Mr. Chairman, I think the point these gentlemen make here is that they are putting out a commodity that will enable the producer to cheapen his products. I think that is your point, is it not?

The CHAIRMAN. I suggest that you go ahead and make your statement.

Mr. LASATER. I would state this: In my opinion, under present conditions, the cost of production of dairy products by the use of compound feeds has materially increased. That has come about in this way: As Prof. Jordan stated here, there is no use in the farmer buying feed which he has on his own farm in superabundance. As it now stands, it is practically impossible for him to get his concentrates without buying the stuff with which he is already loaded down.

I ranch and farm in southern Texas—

The CHAIRMAN. How many head of cattle do you have?

Mr. LASATER. From 15,000 to 20,000 cattle, about 2,000 of them dairy animals. I will say this: I have one of the good Jersey herds of the United States. In answer to the gentleman who just preceded me, the farmer who argued that he had to use mixed feeds in order to keep his cattle breeding and reproducing, I will state that I have shown on the northern circuit from my ranch for two years at the National Dairy Show—two years ago at Springfield, Mass., and last year at Columbus, Ohio. The year before last I took back to Texas what they term the breeder's diploma—that is, I won more ribbons with cattle bred by myself than any other exhibitor. Last year I took back both diplomas—the breeder's diploma and the exhibitor's diploma. That means I showed a herd of 27 animals, 22 bred on the ranch. That would indicate, at least, that I understand

feeding so as to get reproduction coupled with quality and development.

Up to last year in Texas—I will confine myself to cottonseed products just now—I always bought the highest protein content I could, because I produced my own roughness. I was able to buy 51 per cent protein content until last year. Last year it was cut down by an understanding with the millers, so that I had to buy 43 per cent protein, and my understanding is now that the protein content of cottonseed cake is reduced to 36 per cent.

That simply means to the ranch or farm that has its own roughness that it is buying and paying a high freight rate for something it does not need. Take the ranchman in the northwest who is buying cottonseed cake to feed on his range; he has to pay for the roughness that the meal contains, and the freight bill is more than its feeding value. The same would apply to the dairyman in New England who buys cottonseed products. On the low protein content he pays for the roughage in freight more than it is worth to him. The same thing applies to everything these gentlemen put out, that they have it loaded down with this low feed value stuff. In the majority of instances they are simply forcing men to pay for that which they have in superabundance.

Representative LEVER. Let us see if I get your theory. Your theory is that you are in favor of this proposition because it would force off the market practically all these compounded feeds and therefore force the farmer to raise his own roughage?

Mr. LASATER. No, sir. Not in every instance. You can not find dairying in any section that is prosperous where a good deal of roughage is not produced on the farm. That is one of the essentials that go with economic production. Now, if you permit a condition—and it is practically the situation to-day—such that the dairyman can not buy straight feeds, straight grains, he has to be content to buy these compound feeds. If we permit that condition to crystallize, to become any more a fact than it is to-day, then we unquestionably fasten upon the country something that is bound to increase the cost of production of all dairy products.

Representative LEVER. Suppose you stop it immediately, what would be the effect?

Mr. LASATER. This amendment would not stop it immediately; it would have a tendency to check the manufacture of these compound feeds of low feeding value. It would have a tendency to put back the straight grains into the trade, and in time I think that would be the effect of this amendment.

Representative LEVER. In other words, your proposition is that you will force the farmer, by the big stick—

Mr. LASATER. No, sir; I would force the feed manufacturer, by a just law, to do business right and to sell to the farmer what the farmer supposes he is buying from him. That is what I think that amendment would do.

Representative LEVER. Your proposition, then, would be to prohibit the interstate shipment of all low-feeding-value stuff?

Mr. LASATER. Still not that. The amendment does not prohibit it; it permits the shipment, provided he states what it is. For instance, he would have tags something like this. I can not see that it would do any harm to any honest manufacturer. The tag would

say: "Oat hulls, 20 pounds; sand, 5 pounds; wheat straw, 20 pounds; cottonseed meal, 20 pounds; blackstrap, 20 pounds; wheat screenings, 15 pounds; total, 100 pounds." Then, it would give the chemical analysis, and the farmer would know what he was buying.

Representative LEVER. We have a South Carolina law on that proposition that practically does that, and I think there is a Texas law.

Mr. LASATER. I want to say this: I do not understand how it is that we could not buy meal last year with more than 43 per cent of protein. My understanding was that our law protected us against that. But the Food Administration is practically in charge of the mills of the country; it has supervision of things, at least. At any rate, I know of nobody else that bought a higher protein content last year than 43 per cent.

Here in Washington last week there was a meeting of the cotton seed producers with the mill men, and the understanding was that the protein content would be this year 36 per cent. That is a seven point reduction from last year.

The CHAIRMAN. What was the price last year?

Mr. LASATER. Last year it was \$53.50. As a matter of fact, it is equivalent to raising the cost to the feeder about \$7.50 a ton this year.

In closing, the manufacturers claim that their cost of manufacture is higher—about \$6 a ton higher than last year. I may be incorrect as to the exact figures, but I think it was something like \$13 a ton margin they were allowed last year. All that increased cost has been put on the cottonseed hulls and meal; no part of it has been absorbed by either the oil or the linters, is my understanding. A man who does not go into it and study it would not understand that he is paying \$7.50 per ton more for his meal this year than last year.

Representative LEVER. What does your Texas law say about these compound feeds?

Mr. LASATER. I do not know, sir, that we have any law on compound feeds. I am not sure about that. For instance, take the Quaker Oats people. That feed is shipped into Texas, and I have never heard of any interference.

Representative LEVER. Is it labeled "Quaker Oats"?

Mr. LASATER. It is labeled "Schumacher Feed." That is the particular brand of compounded feed put out by Quaker Oats Co. that I have used.

Representative LEVER. Does it give the percentage of protein in it?

Mr. LASATER. It gives the proteins and fats, but I do not know that it gives all the ingredients. These gentlemen would be better posted on that. It would give the chemical analysis, but not the ingredients that compose it.

Mr. CHAPIN. Mr. Lasater, don't you know that Texas has an ingredients law compelling the marking of feed, and has had for the last seven years, and that nobody can ship feed in there without stating every ingredient?

Mr. LASATER. I have not seen the law.

Mr. CHAPIN. Don't you know the Quaker Oats people give the correct names and analysis?

Mr. LASATER. No, sir.

Mr. CHAPIN. I would like to ask you a question. Did you say you can not buy 51 per cent cottonseed meal in the State of Texas?

Mr. LASATER. I will say I was not able to buy it last year.

Mr. CHAPIN. Was that on account of the drought that the supply had been all used up?

Mr. LASATER. No, sir. I bought probably as much as 1,000 tons, and I got 43 per cent. I always prefer to buy a high protein content, but last year I was unable to buy it.

Mr. CHAPIN. I was able to buy it, and I can buy it now for a proper price. All I have to do is to pay \$7 per ammonia unit.

Mr. LASATER. That means \$1 per point of protein content.

Mr. CHAPIN. Somewhere around there. You see, you can get anything you want there if you pay the price for it. The 51 per cent cottonseed meal is as high as ammonia is selling on a fertilizer basis.

Mr. LASATER. I have filed with the chairman telegrams and letters to that effect from something over 250,000 feeders and dairymen. We know we can not get what we want. Just the reason why these feeds can not be obtained I am not prepared to tell you.

Mr. CHAPIN. This is wholly within the State of Texas, is it not?

Mr. LASATER. No, sir.

Mr. CHAPIN. You buy your meal in the State of Texas?

Mr. LASATER. I buy my meal in the State of Texas; yes.

The CHAIRMAN. Mr. Chapin, I do not believe you stated your initials and address.

Mr. CHAPIN. Robert W. Chapin, Chicago, Ill. I am a manufacturer of dairy feeds at Hammond, Ind.

The CHAIRMAN. Are you connected with the food administration of Illinois?

Mr. CHAPIN. I am not. I am called down here in an advisory capacity once in a while, and they call upon all members of the trade occasionally and ask their opinions.

The CHAIRMAN. Who does?

Mr. CHAPIN. The Food Administration.

The CHAIRMAN. They call in the food manufacturers, do they?

Mr. CHAPIN. They have done so; they have had conferences. They are going to have one to-morrow, I believe.

Mr. LASATER. I would like to make this statement before we leave this subject. I believe that if you will go into the cost of these mixed feeds and ascertain the cost of the straight ingredients that go into them, you will find that the farmer can buy the straight ingredients and mix them at a less cost than the cost of these feeds.

Representative LEVER. You do not contend that this amendment gives anybody any authority to do that?

Mr. LASATER. No; but it will enable him to do it. It is going to have the effect of bringing the straight grain feeds back on the market. These gentlemen can buy them; but if we had a thousand producers, you would probably find that 800 of those producers could not buy them. They are buying mixed feeds because they can not get anything else on the market.

Representative LEVER. And they can not get roughage?

Mr. LASATER. A great many of them have their own roughage. Of course I only count for one, but in my locality I have the roughage; I want the proteins and fats.

Representative LEVER. You are one out of a thousand, are you not?

Mr. LASATER. By no means. Of course it varies with the seasons. This year New York may be short on roughage; next year it may

have a surplus. They ought to be in a position to buy what they need. As it is they have to buy the roughage in order to get the concentrates, and that adds to the cost of living.

Representative LEVER. Were you ever connected with the Food Administration?

Mr. LASATER. I was; yes, sir.

STATEMENT OF DR. HERBERT W. MUMFORD, PROFESSOR OF ANIMAL HUSBANDRY, UNIVERSITY OF ILLINOIS.

Dr. MUMFORD. Mr. Chairman, we find that there is an increasing sale of these mixed feeds. I wish to call attention to three or four questions which have been raised here, and which I think have not been directly answered. The extent to which there is an increase in the sale of these mixed feeds can best be answered by the gentlemen who represent the American Feed Dealers' Association. Those statistics are in the possession of these gentlemen. It has been repeatedly stated here, I believe, that in the State laws and in the pure-food law there is ample protection for the producer.

The CHAIRMAN. You mean the consumer?

Dr. MUMFORD. I mean the producer of live stock. Notwithstanding that fact, we find that it was stated at the convention of the American Feed Manufacturers' Association at Buffalo, June 7 and 8, that there was considerable dissatisfaction.

The CHAIRMAN. That is, June 7 and 8, this year?

Dr. MUMFORD. Yes, sir.

The CHAIRMAN. The convention of the Feed Manufacturers' Association?

Dr. MUMFORD. Yes, sir. It was stated that there was a good deal of dissatisfaction among the manufacturers with these laws. As I understand it to-day they are quite well satisfied with these laws. Notwithstanding the fact that they tell us that these laws have been working very satisfactorily, Mr. Chapman, representing the Food Administration, stated at this same meeting—

Reports now in the hands of the Food Administration show many instances of profits ranging from \$10 to \$23 per ton on these mixed feeds.

He also states that these profits are out of reason and will not be tolerated.

Representative LEVER. That has absolutely nothing to do with this proposition; this is not a price-fixing bill.

The CHAIRMAN. It is this selling of this worthless stuff for feed.

Mr. CHAPIN. I was at that meeting; may I correct that statement? I heard those remarks, and they referred solely to retail profits on bran, not on mixed feeds.

Representative LEVER. Let me say this: I am afraid my attitude may be misunderstood here. I am trying to help in this matter, but I do not see the use of clogging this record with a lot of explaining things, and I tried to lay down a formula here that would be helpful to us. If they are going to bring in a lot of extraneous matters we can not clean up these hearing in three or four days.

Dr. MUMFORD. I shall undertake to show, Mr. Chairman, exactly what the increased sale and manufacture of mixed feeds does to the producer.

Representative LEVER. That is all right.

Dr. MUMFORD. And I think it is competent to know that there are abuses where profits ranging from \$10 to \$43 per ton obtain.

When I first read the reports of this amendment as it came out I said to myself: "Now, there is a proposition upon which all honest feed manufacturers and the producers of livestock can join." I find there is very great opposition on the part of feed manufacturers to this amendment. I believe that the increased sale of mixed feeds—we will say adulterated mixed feeds—is a menace to the live-stock interests for this reason: The live-stock producers of this country have come to look upon the experiment stations of this country for their guidance and their help. I ask you what these experiment-station men can do to help the live-stock producers of this country when they are asked to pass upon the merits or demerits of some 4,500 brands of mixed feeds. You will find, if you care to look it up, in a bulletin published by the Indiana Experiment Station May 1, 1918, that there are listed there something between 4,500 and 5,000 mixed feeds.

Representative LEVER. That is an interesting point. Let me ask you this on that point, as a practical matter: You say it is a very hard matter for you experiment-station people to pass upon these various mixed feeds, and yet here you are asking the Secretary of Agriculture to pass upon four or five thousand of them before this law can become operative.

Dr. MUMFORD. No; my motion is this, Mr. Chairman: If this amendment goes into effect it will cut down by about 75 per cent the number of these brands that are offered on the market.

Representative LEVER. Before any of this stuff can go into interstate commerce the Secretary of Agriculture, under this amendment, must issue a license or permit showing certain things to be facts. Now, the Secretary of Agriculture, if he is the kind of Secretary I think he is, is not going to issue these permits without the facts, and he can not get the facts without an investigation. How long will it take him to make such an investigation?

Dr. MUMFORD. That is a matter of detail of administration which I am not supposed to pass upon.

Representative LEVER. I think it is very important.

The CHAIRMAN. As I understood you, it is very hard for you to pass on these samples. After they have passed through interstate commerce and come into the hands of the farmers it is difficult for them to examine them.

Dr. MUMFORD. Yes, sir.

The CHAIRMAN. Now, there are a million farmers needing these things, and don't you think it would be easier for the Secretary to stabilize the industry and issue the rules and regulations in accordance with which the business should be carried on and take hold of it in its incipiency instead of at the end.

Dr. MUMFORD. I most certainly do.

Representative HAUGEN. It would result in the standardizing of the business, would it not?

Dr. MUMFORD. Yes, sir.

Representative HAUGEN. And instead of having 4,000 or 5,000 different standards you will have it reduced to only 50 or 100.

Dr. MUMFORD. Another fact which is not generally known, but which experiment stations come in contact with, is the fact that two

different brands of feed have absolutely and exactly the same chemical composition, while they are sold under two different brands. The amusing part of it is, as some of you gentlemen know, that both these feeds can be sold in the same community under two different trade names, although they might have come out of the same bin so far as anybody can tell and the farmer will drop the use of one of those feeds and take up the other and swear that it is better than the first one.

Representative LEVER. As a practical proposition, Dr. Mumford, how would you handle that? Would you prohibit the use of trade names in commerce?

Dr. MUMFORD. No, sir.

Representative LEVER. How would you get at it?

Dr. MUMFORD. I do not believe any manufacturer ought to be allowed to sell the same product under two different brand names.

Representative LEVER. How about two different manufacturers selling cottonseed meal, 43 per cent, one calling it "Mississippi Red" and the other "South Carolina Blue"? Do you believe in that?

Dr. MUMFORD. That would not be the same proposition.

Representative LEVER. That is the same article sold under a different trade name.

Dr. MUMFORD. It is the helplessness of the farmer and the producer that I want to bring out. I believe it is a fact that the commercial feedstuff business in this country depends solely upon you gentlemen being able to produce a straightforward product, all wool and a yard wide, and every one of you sticking to it and helping to put these men out of business who are trying to do a crooked business—and you know there are plenty of them.

The CHAIRMAN. Have you a State law in Illinois against the adulteration of feeds?

Dr. MUMFORD. I understand there is. I understand also it is the general feeling among the manufacturers that it is more or less of a joke. Is there anybody here that has had very much trouble with the administration of the food law in the State of Illinois. (No response.)

The CHAIRMAN. Are there any further questions? If not, I would like to hear Dr. Wing, of Cornell.

**STATEMENT OF DR. HENRY H. WING, CORNELL UNIVERSITY,
ITHACA, N. Y., PRESIDENT OF THE NEW YORK GRANGE
EXCHANGE.**

Dr. WING. Mr. Chairman, I am here at the request of Mr. S. J. Lowell, master of the New York State Grange, who, I believe, had an invitation from yourself.

The CHAIRMAN. Yes, sir. Now, Doctor, I would like to hear you discuss this amendment from the standpoint of the farmer and the consumer of grain.

Dr. WING. I would say, first, that I indorse everything that Dr. Jordan had to say in regard to the law in his remarks this afternoon, and that the Grange would fully indorse those statements.

I do not know that at this late hour I have very much further to add, except to give some impressions with respect to the statements that have been made in regard to some of these feeds that are said

to have and probably do have some feeding value. We have to take into consideration not only the composition of the food but the condition in which it comes to us and the way the animal takes it.

A good deal has been said about the cottonseed hulls. I feed animals myself, some 150 a year, not a great number, but I have purchased the feeds for them for the last 20 or 25 years. Some cottonseed hulls came into my hands, straight hulls, about two years ago, with the request that I see if they were available for feed in New York State. The animals would not eat them alone. You could not put enough butter on them or sugar to make them go down, as you could on a small boy's bread.

Now, I have been conversant with the mixed feed situation for about the same length of time. My experience and the experience of many others has led us to believe that the chief object in making these patented feeds, to use Dr. Jordan's term, is to make a feed that otherwise would be rejected, or nearly completely rejected by animals—to make them eat it. The object is to sell a feed in combination that would not sell on the market on its own merits at anywhere near the price that is asked for it in a mixed feed.

Some statements have been made here with respect to the possibility or impossibility of consumers getting straight, good feeds, so-called, in the markets at the present time. The conditions in New York State are quite different from what they are in the Central West and producing States. The retailing of commercial feeds is almost wholly in the hands of small retail dealers in small towns, where the dairymen and other consumers drive up to the store and take away a few hundred pounds or a few tons of it at a time. Those men do not like to handle but one kind of feed, and they will naturally take the brand that they can make the most money out of and that they can recommend or that they can get the farmers to use.

In the last 5 or 10 years while, as Dr. Jordan says, we have no figures on the tonnage basis, common observation shows an increase in the use of these feeds. The percentage Dr. Jordan gave: 69 per cent or something like that. Sometimes they all contain more or less of these worthless or semi-worthless articles, or articles of low value, to use the best term, which has been identified by the inspection in New York.

The law in New York undoubtedly has afforded some protection, but under the operation of the law in the State of New York Dr. Jordan showed you conclusively that the number of brands and the proportion of mixed feeds, as compared with straight goods, has been constantly increasing in the nearly 20 years of the operation of that law.

Representative LEVER. To what do you attribute that increase, Dr. Wing?

Dr. WING. To the reason I just pointed out a few moments ago. Particularly in these last years since prices of feed have risen the retail dealers do not want to handle more than one kind of feed. They can take the agency for a mixed feed and do not have to put so much capital into it as they would if they kept a stock of four or five or a dozen different kinds of straight feeds. In the larger markets you can buy cottonseed meal or straight gluten, distillers' grains—until they were shut out—and things of that sort; but in the small

markets, the towns that have only 1,000 or 2,000 inhabitants, where there is only one feed dealer, or only two or three, you can not do that.

Representative LEVER. What would be the effect on the retail dealers all over the country if we pass a proposition like this which would compel the sale of the straight goods?

Dr. WING. They would sell straight goods.

Representative LEVER. In other words, they would rather go out and get some cottonseed meal—

Dr. WING (interposing). Or they could make a mixture of straight goods that would not contain these things. You can make a mixture that does not contain these objectionable things. You can make a mixture of wheat bran and cotton seed or lin seed in varying proportions, and it will not contain any one of these objectionable articles.

The CHAIRMAN. Is the grange organization in New York undertaking to put into operation some cooperative system of doing that?

Dr. WING. Yes; they just have it in process of organization at the present time. They expect to open offices in Syracuse the 1st of October.

The CHAIRMAN. I hope you will report to us how it fares.

Dr. WING. That will depend very largely on the amount of business we can get and the amount of money.

Mr. STORY. Mr. Chairman, have you considered what disposition the manufacturers will make of their stock on hand?

The CHAIRMAN. I will say, Mr. Story, that it was an oversight that there was not a time limit written into this bill. They ought to have the time of their ordinary turnover written into the bill.

Mr. STORY. I was asking for information, because many of our dairymen and poultrymen in Massachusetts are interested in the amendment, inasmuch as practically all of the poultry feeders are using damaged feeds—damaged wheat and mill run of screenings—and as they understand the bill it would bar most of the so-called standard feeds.

The CHAIRMAN. Do they object to damaged grains mixed up with other feeds?

Mr. STORY. Yes. They are small operators—both of our herds are small—and it is difficult for them to secure the materials and to mix them for the small herds. They do not like to bother with it, and it is a serious matter at this stage of the season, which they will have to do if those feeds are all barred or held up subject to thorough investigation by the secretary. It was with that in mind that I asked the question.

The CHAIRMAN. You are right about that, and that will be allowed, if agreed upon.

STATEMENT OF MR. HARRY CASADAY, ALFALFA MILLER, DENVER, COLO.

Mr. CASADAY. Mr. Chairman, I am of Senator Shafrroth's constituency, and represent the National Alfalfa Millers' Association. We are largely farmers as well as manufacturers of alfalfa meal. In fact, I had the privilege of practically building the first alfalfa mill.

The CHAIRMAN. You do not want alfalfa meal included in the inhibited stuff?

MR. CASADAY. No, sir. I want to say that not more than 2 per cent of the alfalfa meal is marketed by these gentlemen who represent the American Mixed-Feed Association. I might also reply to the gentleman from Texas who spoke here a few moments ago relative to prices. Prior to the war we paid an average of \$7 a ton at the mill for alfalfa. To-day the alfalfa mills are paying the farmers \$22 a ton.

I might also reply to Mr. Jordan along that line. He suggested that it was hardly practicable to feed alfalfa meal. Now, the cost of alfalfa meal to the farmer has gone up by the amount of the freight to New York to-day, which is \$12 a ton, plus \$7 a ton which we have to pay to the manufacturer of bags, which come from Calcutta, and plus to-day the difference between \$2 and \$10 paid for labor in Colorado. That is what makes the relative difference between the cost of alfalfa four years ago and the cost of alfalfa to the gentleman from Texas to-day.

THE CHAIRMAN. You say you pay the farmer \$22 a ton for alfalfa?

MR. CASADAY. Yes, sir.

THE CHAIRMAN. What do you get for the meal?

MR. CASADAY. The hay to-day brings \$24 a ton at Kansas City, and I think the meal is bringing \$38 a ton at Kansas City, in bags.

THE CHAIRMAN. What do you get?

MR. CASADAY. \$38 a ton at Kansas City, plus the price of bags, plus the manufacturing costs, and the freight from Kansas City, Senator.

Our season is right on; this is the busy season of the year, and it is impossible for us to contract with the American feed manufacturers if they do not know what is going to become of this amendment at this time.

THE CHAIRMAN. Mr. Ward, how long do you want?

REPRESENTATIVE HAUGEN. There are a number of gentlemen here who desire to be heard.

THE CHAIRMAN. I understand. Judge Ward wanted to appear on a different phase of the subject.

MR. ABBOTT. Mr. Chairman, we gave up our time on account of the testimony of the proponents, and also to let in outside interests. We only had one speaker this morning, and this afternoon have only had the privilege of cross-examining.

THE CHAIRMAN. Oh, you had four this afternoon.

MR. ABBOTT. We have not had a single speaker this afternoon. We have not, as manufacturers, had an opportunity to be heard. These other gentlemen are independent interests.

THE CHAIRMAN. I think two have been heard this afternoon--more than have been heard in favor of the bill.

MR. ABBOTT. They did not represent the manufacturing interests, Senator.

THE CHAIRMAN. Well, as I understand it, you and Mr. Chapin did.

MR. ABBOTT. Mr. Chapin has not up to this time had an opportunity to give your committee the digest of what he has to deliver.

THE CHAIRMAN. We will be very glad to have you file that with the committee. I do not want to continue this hearing to-morrow, as I have another hearing in the morning.

MR. ABBOTT. We certainly would like to have a little more time to consider this to-morrow. We have not had ample time on our part.

The CHAIRMAN. I can not possibly be with you to-morrow. It seems to me you could file briefs as to the rest of it. Mr. Abbott appeared this morning, and Senator Shafroth, and Senator Reed, and Senator Kellogg: this afternoon there have been three men from Massachusetts, one man from New Jersey, and Mr. Chapin has interjected more than anybody else has said in the whole time, excepting Mr. Abbott, and, it seems to me, the different phases have been gone over pretty well. I do not care to hear a dozen millers myself.

Mr. ABBOTT. That is just the point, Senator. You fail to grasp the fact that this is an industry of very far-reaching importance and is a vital thing to this country. We have come here from a great distance, and we most respectfully ask the privilege of coming back here to-morrow or the day following with an opportunity of presenting the arguments that we have not had time to present to-day.

The CHAIRMAN. You know I told you the other day, Mr. Abbott, I wanted to limit this to one or two men on the different phases of the question. Now, three men have appeared on the manufacturers' point of view.

Representative HAUGEN. All seem to be agreed that there should be legislation. It seems that everybody is determined that it shall be disposed of and that there shall be legislation along those lines. They are all in favor of the legislation. Now then, they ought to suggest amendments. If they are not in favor of it as presented here but in favor of it in some different form, they ought to propose amendments or to give suggestions, so that we may have something to work on. If this amendment does not meet the views of some of them, let them indicate what is desired.

STATEMENT OF MR. R. W. CHAPIN, PRESIDENT, CHAPIN & CO., HAMMOND, IND.

Mr. Chairman, as far as possible all parts of cereal plants suitable for human use should be extracted and the residues left for cattle. To obtain the highest economy and efficiency necessity requires that food materials be used, first, for human food; second, for animal food; third, for fertilizer.

Fundamentally this is correct, for we can get the most value out of the feed stuff if we feed it directly to human beings. Such materials as can not be used for human food, as, for example, those that are coarse and fibrous, can be fed to animals to produce man's food, such as meat, milk, and eggs. Milling and manufacturing processes divide grain into two parts, the one suitable for man, the other suitable for farm animals. For example, oats yield oatmeal, 80 per cent of which is digestible by man, and oat feed, which is about 50 per cent digestible by animals and not at all by man. This oat feed, far from being worthless, is thus converted into food for man by the cow, steer, or sheep. It happens that the cereal mills, the oil mills, the sugar factories, produce very large quantities of by-products, which are not themselves digestible by the human organism, but which may be transformed into human food by being fed to live stock. Most of these by-products are not in such physical condition as to be readily fed to live stock. They require milling, mixing, or processing of some sort. Molasses is difficult to transport or handle, because it is liquid and sticky. Oat feed or oat hulls is dry, dusty,

and unpalatable when fed alone. It is, therefore, mixed with grain or molasses.

Screenings, which are largely shrunken grains and hard seeds, require difficult grinding, but become a useful animal food when ground into meal. They are nearly equal in value to any of the coarse grains. Cottonseed meal is too concentrated to feed alone without the risk of injury. Consequently, there has grown up a tremendous industry, whose business is the milling, processing, and mixing of these by-product materials in such a fashion as to make the greatest possible amount of them available for the production of human food by way of the animal organism. Several millions of tons of these mixed feeds are produced and sold annually in this country, and a corresponding amount of human food in the form of corn, wheat, oats, and barley is thus saved for use directly by human beings. Molasses can not be used satisfactorily, except when mixed with some absorbent material, such as oat feed or clipped oat by-product. Oat feeds and screenings can not be used without adding either some grain product or molasses to make them palatable. The farmer can not, as a rule, do this preparation himself, because it requires either elaborate mechanical equipment or a large amount of hand labor. Considerably more than 600,000 tons of molasses feed are produced annually. Probably half of the products used in these feeds would have to be wasted just as they were in the past, except for the facilities of the numerous large centralized mixing plants that now conserve them. We are not here to argue for the use of any worthless material. The present Federal law makes it possible to prevent their use. We are here to urge that you do not forbid the use of any material which has feeding value—that has such value that when fed to animals it can be converted by them into human food.

We do not want to be understood as basing this appeal on the present exigent food conditions. It is an appeal against a waste of food, an appeal which we have violated at no time.

The present Federal law absolutely prohibits the use of deleterious substances or products having little or no feeding value. Practically all States have stringent feed-inspection laws, conferring full police powers to the food-control officials, so that the laws may be enforced. Every State law expressly commands the manufacturer or seller to place a legible brand on the package, with a statement of the chemical analysis and a list of every ingredient contained therein. The Federal law provides a heavy punishment for misbranding, so that any statements made in compliance with State laws are carefully scrutinized by the Federal authorities. Thus no shipment of feed can escape either Federal or State control, or in most cases both of them. It has been frequently charged that the manufacturer of mixed feeds puts together high-priced materials with low-priced, and for the mixture charges the highest price. This is not true. To illustrate: A manufacturer making a stock feed composed of 80 per cent corn meal and 20 per cent oat feed figures his cost as follows, using arbitrary prices:

20 per cent oat feed at \$20 equals-----	\$4
80 per cent corn meal at \$65 equals-----	52
Total cost-----	
81413—18—7	

To this must be added the cost of sacks, mixing, selling, and profit. By this you can see that the farmer pays for each ingredient its market value, plus a fair charge for service rendered.

In order that you may have in mind not generalities but figures, I want to give you the percentages of digestible nutrients in a number of feed materials. These figures are taken from Henry & Morrison's Feeds and Feedings, which is a recognized authoritative work on the subject. The figures of percentages of digestible nutrients represent not laboratory tests, but the results of actual feeding experiments performed by various State experiment stations, and in most cases are averages of a large number of such tests:

	Per cent.
Corn -----	83
Wheat -----	80
Oats -----	70
Barley -----	79
Oat feed -----	51.1
Cottonseed hulls -----	37
Alfalfa -----	51.6
Flax shives -----	37.8
Oats straw -----	45.6
Sorghum bagasse -----	54.2

The oat feed given in this list is the oatmeal mill by-product, the form in which oat hulls occur as a result of the oat milling process. Oat hulls alone, as far as I am aware, are never sold. Oat feed is a mixture of oat hulls, with other by-products of the oat milling process—oat shorts, oat middlings, etc. The flax shives shown in the above list are substantially the same as the flax by-product mentioned in the Gore amendment.

From these figures you will see that oat feed has five-sevenths as much digestible nutrient as oats and five-eighths as much corn. Are you gentlemen going to forbid the use of such a product? But perhaps you feel that you should prohibit the use of flax shives and cottonseed hulls, which contain only 37 per cent of digestible nutrient?

The distillers, who feed large numbers of cattle on distillery wet grains, have for years past purchased thousands of tons of these two alleged worthless materials to feed to cattle in connection with their distillery by-product. Does this indicate that these materials are worthless? Can you believe that the Peoria distillers ship cottonseed hulls from Louisiana and flax shives from Minnesota for any other reason than because the feeding of them to their cattle proves profitable? In the face of these facts, is it possible to justify a law prohibiting the use of these products or of any other material of proved feeding value?

A careful estimate by competent authorities of the annual production of some of the feedstuffs named in this bill, which have an estimated value determined and recognized by all agricultural colleges, shows as follows:

	Tons.
Oat feeds -----	400,000
Screenings -----	300,000
Alfalfa meal -----	300,000-400,000
Molasses -----	300,000
Clipped oat by-product -----	200,000
Cottonseed hulls (1916 figures)	968,000
	<hr/> 2,246,000

We have considered these products only because accurate figures were available and to show the enormous tonnage involved, namely, 2,468,000 tons, having a feeding value conservatively equal to 1,000,000 tons of corn, and very likely more. This amount of corn would be worth \$50,000,000 to-day. Who would advocate losing this immense amount of animal food by forcing it out of the market?

The oat feeds alone are worth many millions of dollars, and were they not used this heavy loss would have to be added either to the price of oatmeal or deducted from the price paid to the farmer for his oats. The New York State College of Agriculture has announced that the hay crop of that State shows a shrinkage of about 1,000,000 tons from previous estimates. All of the oat feeds produced in this country (and they certainly have value equal to hay), would not suffice to replace this loss of hay.

The bulkiness and fibrous character of these feeds, instead of being something to condemn, is a virtue that is essential to a properly prepared dairy or horse feed. Oats contain 30 to 40 per cent oat hulls, which is one of the reasons they make such an ideal, safe food for the horse. This is one of the reasons that these light, bulky food materials are used so universally to lighten up heavy concentrated feeds, which are not safe to feed alone.

In the past bran has been one of the chief feeds in the dairy industry and was considered absolutely necessary to lighten up corn-meal and similar heavy feeds. It is now so scarce we are obliged to use these other substitutes or have very disastrous results when we attempt to feed our cows without them.

The war-time milling regulations have so reduced the production of wheat mill feed that there will be 514,000 tons less of this product produced within the present milling year. There is practically no wheat feed in store anywhere or available at the present time.

In former years the production of distillers' grains averaged 200,000 tons per annum. The production of brewers' grains formerly was 600,000 tons per annum. These dairy feeds are practically eliminated. The Government estimate on the flax crop is 15,000,000 bushels, which means a shortage of linseed oil meal of about 200,000 tons. Last year's crop of cottonseed meal was 2,000,000 tons; this year's crop will be 10 per cent short, or 200,000 tons less.

To recapitulate, we are facing a shortage for the coming year of 600,000 tons of brewers' grains, 200,000 tons of distillers' grains, 514,000 tons of mill feeds, 200,000 tons of oil meal, and 200,000 tons of cottonseed meal; making a total shortage of 1,714,000 tons of commercial concentrates.

Last year there was no carry over on any of these commodities. All that was produced was consumed, so that we stand with a certain knowledge that in some way or other we must make up this enormous shortage in these commodities if we are to maintain last year's figures on milk, butter, and beef production. The Gore amendment is not aimed at these commodities. Making up this shortage can only be done by the most careful conservation of every last pound of every by-product produced in this country that has any feeding value whatever.

The mixed-feed industry submits that it is not engaged in debasing feeds, but is engaged in conserving and making useful and avail-

able valuable food products that have hitherto been wasted. That the Gore amendment is aimed at certain alleged abuses and its enactment will mean the prohibition of practically all mixed feeds, which would destroy the mixed-feed industry. That our mixed feeds are bought by the farmers of their own free will and choice, and these farmers would be greatly handicapped if they were forced to mix their own feeds, which by reason of the scarcity of labor and other good reasons they do not desire to do.

(Mr. Chapin subsequently submitted additional data, which are here printed in full, as follows:)

STATEMENT INTENDED TO SHOW THE FEEDING VALUE OF A FEW OF THE MORE COMMON BY-PRODUCTS FEEDS, BY H. J. PATTERSON, DIRECTOR, MARYLAND EXPERIMENT STATION, AND H. J. WHITE.

[Extracts from Bulletin No. 168 of the Maryland Agriculture Experiment Station.]

BY-PRODUCT FEEDS.

PAGE 1:

The price and scarcity of whole grain and standard cattle foods has necessitated the seeking of other sources and the availing of every kind of material that animals could utilize. This condition has brought upon the market many by-products which previously were considered waste products.

Some of these by-products are found on the market in their natural condition, but many of them are finely ground and are used in the mixed feeds. In many mixed feeds it is impossible to determine the kind or nature of the material which has been used to make them.

Some people have taken the position that many of the by-products on the market were nearly worthless as a cattle food and that the placing of them in mixed foods should be regarded with suspicion, or even as a fraud. While there is a very limited amount of data available which gives definite knowledge as to the real value of these by-products feeds, yet on the other hand there is no doubt but that many of them have a food value which should be utilized. Many plants and seeds which are commonly considered as worthless weeds show by analysis a high food value, and it is well known that some animals eat them in preference to cultivated plants and thrive on them.

The making of mixed feeds or rations is a legitimate business, which is really backed by more substantial arguments than the making of mixed fertilizers. The feeding of a given kind of animals for a specific purpose is a more constant factor than the feeding of crops which are to be grown on a great variety of soils and under many conditions. The object sought in making a mixed feed should be not only for the purpose of procuring a proper "balance" or relation of the food components, but the aim should also be to improve the palatability of the ration. The palatability of a food is probably as essential for animals as for man.

The real value of a food or ration depends upon what the animals get out of it. What the animals get out of a food or ration depends chiefly upon its palatability, composition, digestibility, and assimilation. It is possible for some plant constituents to stimulate and others to retard both digestion and assimilation. These facts make a greater knowledge of the effect of plant alkaloids very desirable, and especially important in considering many by-product feeds.

GRAIN SCREENINGS.

Page 2: There are vast quantities of screenings derived from the cleaning of grains for use in making human food products. These screenings will vary greatly, according to their source. They vary according to the kind of grain, the farm, and the season. Probably no two lots would ever be just the same, but yet, the pooling of large lots of grains in the mills has a tendency to make the screenings more uniform than they would be otherwise. The screenings used in this experiment came from Western mills and represented material which enters largely into some kinds of mixed feeds which are extensively sold in Eastern markets.

Summary showing the average coefficients of digestibility obtained in the experiments, together with those of some other common feeds for comparison.

	Crude protein.	Crude fiber.
	Per cent.	Per cent.
Flax plant by-product.....	63.43	48.32
Flax plant by-product and molasses.....	62.50	31.84
Ground-grain screenings.....	65.47	17.48
Buck wheat middlings.....	90.76	30.89
Distiller's grains.....	43.19	22.26
Oat hulls.....	50.1	59.9
Wheat bran (average of all tests).....	77.0	41.0
Brewer's grains (average of all tests).....	79.0	53.0
Corn meal (average of all tests).....	60.0	

From the above table it will be seen that ground-grain screenings is more digestible than distiller's grains, but not quite as digestible as wheat bran.

Result maintenance test—bull.

Date.	Weight.	Oat hulls fed.	Hay.
	Pounds.	Pounds.	
July 21.....	705		
July 22.....	681	10.0	7.5
July 23.....		10.0	6.2
July 24.....	710	10.0	8.7
July 25.....		10.0	8.7
July 26.....		10.0	10.8
July 27.....	690	10.0	10.2
July 28.....		10.0	9.8
July 29.....		10.0	9.6
July 30.....		10.0	10.4
July 31.....	690	12.0	
Aug. 1.....		16.0	
Aug. 2.....		5.0	
Aug. 3.....	702	10.22	
Aug. 4.....		10.0	
Aug. 5.....		10.0	
Aug. 6.....		10.0	
Aug. 7.....		10.0	
Aug. 8.....		10.0	
Aug. 9.....		10.0	
Aug. 10.....		10.0	
Aug. 11.....	720	6.0	
Aug. 12.....		12.0	
Aug. 13.....		13.3	
Aug. 14.....		19.0	
Aug. 15.....		6.0	
Aug. 16.....		10.0	
Aug. 17.....		10.0	
Aug. 18.....		15.0	
Aug. 19.....		16.0	
Aug. 20.....	746	10.0	
Aug. 21.....		5.0	
Aug. 22.....		5.0	
Aug. 23.....		10.5	
Aug. 24.....	752	10.0	
Aug. 25.....		10.0	
Aug. 26.....		15.0	
Aug. 27.....		15.0	
Aug. 28.....	752	10.0	
Aug. 29.....		11.0	
Aug. 30.....		10.0	
Aug. 31.....	734	10.0	

At the end of the 41 days' period the bull had gained 29 pounds in weight.

During the first 9 days, however, he received hay in addition to oat hulls, and when hay was discontinued he had up to this lost apparently 15 pounds. This was an error, probably due to his having been watered shortly before the initial weighing. For the remainder of the time he gradually improved on an exclusive oat-hull diet, and at the end of the period was in excellent condition in every respect.

STATEMENT INTENDED TO SHOW THE BRANDING REQUIRED ON PACKAGES OF FEEDING STUFFS SOLD, OFFERED, OR EXPOSED FOR SALE IN ACCORDANCE WITH THE PROVISIONS OF THE AGRICULTURAL LAW OF NEW YORK STATE RELATIVE TO THE SALE AND INSPECTION OF FEEDING STUFFS, AND WHICH IS SUBSTANTIALLY THE SAME REQUIREMENTS EFFECTIVE IN MOST OF THE 42 STATES NOW HAVING FEED-INSPECTION LAWS.

[Extract from p. 614 of New York Agricultural Experiment Station Bulletin No. 441, entitled "Inspection of Feeding Stuffs." Information required to and appearing on packages from which sample No. 01818 was drawn for purposes of analysis.]

The Quaker Oats Co., Chicago, Ill.:

Schumacher feed—

	Per cent.
Crude protein	10.0
Crude fat	3.2
Crude fiber	10.0

Ingredients.—Ground corn, ground barley, hominy feed, wheat flour, cotton-seed meal, ground puffed rice, ground puffed wheat, wheat middlings with ground screenings not exceeding mill run, oatmeal mill by-products (oat middlings, oat hulls, oat shorts), and one-half of 1 per cent salt.

The result of analysis as shown by bulletin above mentioned was as follows:

	Per cent..
Crude protein	11.3
Crude fat	3.8
Crude fiber	9.7

Ingredients.—As certified.

STATEMENT OF DR. C. CASSIUS WAY, CHIEF VETERINARIAN, BORDEN CONDENSED MILK CO., NEW YORK.

Dr. Way. Mr. Chairman, I hope you will consider me as a farmer. I am a graduate of the Connecticut Agricultural College, of Cornell University, and of the New York State Veterinary College at Cornell University. For six years I was an assistant to Prof. V. A. Moore, now dean of the college, in the department of bacteriology and pathology. In 1908 I associated myself with the Borden Condensed Milk Co., and at the present time am chief veterinarian, having supervision over the sanitary control of their milk supply and production of certified milk on these large dairy farms, the herds of which aggregate approximately 1,200 head of milch cows and heifers. In addition to this, I have general supervision over the health and care of some 3,000 to 3,500 head of horses.

Mixed feeds have been fed to the stock owned by our company in improper proportions with deleterious effect. When these animals were returned to a balanced ration of straight feeds their health and efficiency increased and improved to normal. Our reason for using only straight feeds of known feeding value is to eliminate from the rations of these animals substances that are found in certain feeds that have very little feeding value and to us appear worthless.

It seems to me the conference is agreed that the substances entering into the package of feed should be placed on the label. It seems to me that is fair to the consumer of the product. As a buyer of feeds, I hold no brief against the feed manufacturers, but we do buy feeds of known composition and of recognized feeding value.

(Thereupon, at 6 o'clock p. m., the conference committee adjourned until 2.30 o'clock p. m. to-morrow, Tuesday, September 17, 1918.)

ADULTERATION OF MIXED FEEDS.

TUESDAY, SEPTEMBER 17, 1918.

UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES,
COMMITTEES OF CONFERENCE OF THE
COMMITTEES ON AGRICULTURE AND FORESTRY,
Washington, D. C.

The committee of conference on the bill H. R. 11945 met, pursuant to adjournment, in the committee room of the House Committee on Indian Affairs, Capitol, at 2.30 o'clock p. m., Senator Thomas P. Gore presiding.

President of the Senate committee: Senator Gore.

Present of the House committee: Representatives Lever (chairman), Lee, Candler, and Haugen.

The CHAIRMAN. Mr. Abbott, whom would you like to hear first?

Mr. ABBOTT. We would like to have you gentlemen hear Mr. Gray.

STATEMENT OF MR. J. M. GRAY, GENERAL COUNSEL, QUAKER OATS CO., CHICAGO, ILL.

MR. GRAY. Mr. Chairman, my name is J. M. Gray, and I am general counsel of the Quaker Oats Co., 1600 Railway Exchange Building, Chicago, Ill. The Quaker Oats Co., Mr. Chairman, is a member of the American Feed Manufacturers' Association. Now, the American Feed Manufacturers' Association comprises, roughly, some 175 manufacturers of compounded feeds. There are other manufacturers of the same kind of feeding stuff who do not belong to the association. However, of course, every member of that association acts in his business independently according to his own dictates, and there is, therefore, an immense amount of competition in the business.

It is an industry which has grown for 25 to 30 years, and perhaps in the aggregate now assumes the proportions of some several millions of tons of feeding stuff annually. You can readily see what a vast amount of capital must be invested in this industry. I do not pretend to say how much—it would run into many, many millions. The association has no figures on invested capital, the association has no figures on exact tonnage produced and sold, the association has no figures of any kind on any branch or end of the business of any one of its members.

The American Feed Manufacturers' Association feels most keenly that the proposed amendment by Senator Gore is of such vast importance to its industry and to the country at large that it ought to have the utmost consideration. The entire subject of the production of the feeding stuff and the distribution of feeding stuff is so large and is so complicated and has so many angles that in a short hearing

we feel that we can not possibly do what we ought to do for the members of the committee.

Yesterday's session—if I may say so, and, first, it is entirely without any criticism; it is merely a statement of fact as I saw it—was begun by the feed manufacturers with an opening statement. Those in favor of the bill were then heard; some outsiders were then heard; and there was a good deal of mere statement which got into the hearing—there was no way to prevent that that I know of, in the world. A good deal of it was derogatory to the industry. But we do not feel that we can or ought to meet those statements simply by other statements. We would like to have this bill considered or some bill of a general character that might perhaps be a little more comprehensive—we would like to have it considered at considerable length in order that we might have an opportunity to afford the committee a chance to see the constructive side of this whole subject.

Now, some things were said yesterday about there being plenty of roughage, and so there was not any need of roughage in the feed, or not much need, or something like that. The feed manufacturers know something about that. But what is the use, Mr. Chairman and gentlemen, of their simply coming up and stating that they know in this section and that section and the other section there is a shortage of roughage. They are met already by statements to the contrary; they may be met by other statements. They can produce, if they have the opportunity and the time to do so—positive testimony to that effect, which I think will be entirely convincing.

The CHAIRMAN. To what effect? I did not quite get your point.

Mr. GRAY. To the effect that there is a shortage of roughages in various parts of the country which, of course, is a most material need.

Then, there was another subject somewhat touched upon yesterday—the question of the shortage of mill feed. You understand we are not mill-feed manufacturers. We are compound-feed manufacturers. There was, as I say, something said about that yesterday to the effect that there was a great shortage in bran and other mill feeds. Statements were made to the contrary, and there you are again. We feel, with all confidence, that we can bring in testimony and facts if we are allowed the time, to show that there is probably a million tons shortage in these mill feeds.

Then, again, while we spent some time on the second paragraph of section 26, to try to point out certain features of that, which were quite, we thought, impossible to comply with, there seemed to be some doubt in the minds of some of the committee and, of course, of some of those in favor of the bill, as to our position in regard to those points and our fairness, etc. That takes a good deal of time to explain, because it requires a considerable study of what is a mixed feed, how it comes about, what it is for, what is it intended to do, why the manufacturer puts out a particular kind of mixed feed for a particular feeding purpose, etc., and so on.

Mr. Chairman and gentlemen, we respectfully urge upon you that you defer this matter until some subsequent time when it can be taken up in as full a hearing as is necessary properly to handle the subject. We realize—and, indeed, that is what we are most interested in—that you gentlemen of the committee must have all the information that there is to be obtained on this whole subject, and we can not do it, we can not begin to do it, in an hour nor in a few

hours. That is precisely our position and our request. We think it is too vast a matter for the Congress of the United States to pass upon without all the information that there is to be brought to bear on the whole subject.

The CHAIRMAN. Mr. Gray, you say there is a scarcity both of roughage and mill by-products?

Mr. GRAY. Of mill feeds?

The CHAIRMAN. Yes, sir. That naturally makes the price high, does it not?

Mr. GRAY. I said that the American Feed Manufacturers' Association had no doubt whatsoever that they could bring forward the facts to demonstrate that; yes, sir.

The CHAIRMAN. I might say, Mr. Gray, I do not think it is necessary to demonstrate that. I think everybody would admit the fact. However, that had no reference to the object of this bill. What I was asking was as to your statement that there is a scarcity not only of mill feed but of roughage as well?

Mr. GRAY. Yes, sir.

The CHAIRMAN. That naturally makes the price high, does it not?

Mr. GRAY. Yes, sir.

The CHAIRMAN. Do you not think it is all the more important, then, that the farmer or consumer should get his money's worth for whatever he does buy?

Mr. GRAY. Of course that is always important.

The CHAIRMAN. You have no objection to that, have you?

Mr. GRAY. No, sir.

The CHAIRMAN. And you have no objection to this amendment if it is limited to the accomplishment of that purpose?

Mr. GRAY. Most assuredly not.

The CHAIRMAN. How many tons of compounded food does the Quaker Oats Co. turn out?

Mr. GRAY. I do not know.

The CHAIRMAN. Do you know what the net earnings of the Quaker Oats Co. was last year?

Mr. GRAY. Not with accuracy.

The CHAIRMAN. Could you give it approximately?

Mr. GRAY. Yes; I think approximately \$5,000,000.

The CHAIRMAN. And what percentage was that on its capital investment?

Mr. GRAY. I should say that was about 18 per cent.

The CHAIRMAN. Of course they have a very large output of oat hulls, do they not?

Mr. GRAY. We do not call them, Senator, oat hulls.

That brings me to another point. There is a great deal of diversity of opinion on the side of the opposition and in the minds of the members of the committee on the terms even in this bill. You could take an hour or more, and I think more, just explaining the terms of the bill.

The CHAIRMAN. What do you call the materials if you do not call them according to the terms of the bill?

Mr. GRAY. It is oat feed, or oatmeal by-product.

The CHAIRMAN. Do you call that a concentrated feed?

Mr. GRAY. I do not know what a concentrated feed is, sir.

The CHAIRMAN. What is the protein and fat value of oats?

Mr. GRAY. I do not bear it in mind, Senator.

Representative LEVER. What do you think about a legislative situation of this kind, where a bill passes a body unanimously, and then as soon as a thing gets into controversy the members of that unanimous body promptly appear before the committee to protest against their own action, as they did yesterday? Do you think that indicates a very wise proposition?

Mr. GRAY. You place me, sir, in an embarrassing position. I do not know how far I can go.

Representative LEVER. You are not much more embarrassed than the House conferees are.

The CHAIRMAN. Maybe I can help you out of your embarrassment. It shows that some constituents engaged in the business to be on their back.

Mr. GRAY. The feed manufacturers' association is not on its back.

Representative HAUGEN. How do you account for the scarcity of feed?

Mr. GRAY. The scarcity of mill feeds?

Representative HAUGEN. What we are discussing now.

Mr. GRAY. Mill feeds. There are three explanations, if I understand it. Mark you, Mr. Haugen, I do not pose as an expert in this, but as I understand it, there are three reasons for the condition. One is the unusual amount of export shipment of the whole grains.

Representative HAUGEN. Have you the figures on that? Could you give the figures?

Mr. GRAY. No; I could not. That is another phase with which I am not entirely familiar.

Representative HAUGEN. The export of what grain?

Mr. GRAY. The wheat.

Representative HAUGEN. Is that largely in excess of previous exports?

Mr. GRAY. I so understand it. I do not make the statement unreservedly. That is one of the very things that requires a good deal of study.

Representative HAUGEN. My understanding is that there was just as much flour ground last year as was ground in any other year—350,000,000 bushels being ground last year.

Mr. GRAY. The second reason for it is that, as I understand—also subject to proof—that there is a vast quantity of that being taken directly by the Government.

Representative HAUGEN. The Government did not take the feed; it took the flour.

Mr. GRAY. No; the feed—the bran.

Representative HAUGEN. By increasing the percentage of bran in flour?

Mr. GRAY. No; actually taking it from the mills for its own use. I understand in the neighborhood of 100,000 tons. I do not make that as a positive statement. I am simply a lawyer.

And a third reason is that, as I understand it also, they do not produce as much bran in their milling now under the new rules as they used to.

Representative HAUGEN. That is true. A good deal of it goes into the flour, but that is only a small percentage.

Mr. GRAY. I understand; but it is 11 pounds to a barrel, and there are about 100,000,000 or 150,000,000 barrels produced, as I recall it.

Representative HAUGEN. No; it is 118,000,000.

Mr. GRAY. Times 11. I understand it is 11 pounds to the barrel. All those questions, Mr. Haugen, enter vitally into this thing.

Mr. ABBOTT. It would amount to 600,000 tons.

The CHAIRMAN. Who is the present president of the Quaker Oats Co.?

Mr. GRAY. Henry P. Crowell.

The CHAIRMAN. Mr. Chapman used to be?

Mr. GRAY. No; Mr. Chapman was never president of the Quaker Oats Co.

The CHAIRMAN. He was connected with it.

Mr. GRAY. A Mr. Chapman was; perhaps it is the same one you have reference to.

Representative HAUGEN. Mr. Chairman, I would like to get this cleared up about the shortage. I have not got that clear in my mind as to why there is a scarcity of feeds. My understanding is that there was as much wheat ground last year and that we had just as much bran as we ever had, with the exception of the small percentage going into the flour.

Mr. GRAY. How small a percentage does that make?

Mr. ABBOTT. One hundred and eighteen million barrels is equivalent to 649,000 tons on a shortage basis of 11 pounds per barrel.

Representative HAUGEN. I dare say it is a very small percentage. I had not figured that out.

Mr. GRAY. Then, again, as I understand, the Government is taking somewhere around 75,000 tons for its own use in the Army.

Representative HAUGEN. They purchased it, of course.

Mr. GRAY. Yes.

Representative HAUGEN. That does not reduce the supply, does it?

Mr. GRAY. It does reduce the supply to other users.

Representative HAUGEN. It does not reduce the production?

Mr. GRAY. No; I am only talking about the supply.

Representative HAUGEN. The fact is that as much was produced last year as was any other year?

Mr. GRAY. Production?

Representative HAUGEN. Yes.

Mr. GRAY. I do not know about that. I really can not answer that. I was talking of supply for use, not production of flour.

Representative HAUGEN. I take it, there has not been as much bran available for manufacturers of food as we had in the past, since the Government fixed the price of bran at \$36.60, and that instead of selling the bran to millers they did not sell the bran but mixed it with a cheaper product and reduced its quality and sold it at double the price.

Mr. GRAY. On that point, again, that would be a statement that might be good. The feed manufacturers might make a statement to the contrary, but if they were to say, no; what is the use of standing up and saying no when the subject is one subject to proof.

Representative HAUGEN. Have you been able to buy any bran from the mills?

Mr. GRAY. Have we?

Representative HAUGEN. Yes.

Mr. GRAY. I do not know. We make flour. I do not know whether we buy any bran or not. The feed manufacturers are complaining that they can not buy it.

Representative HAUGEN. That they can not buy the bran?

Mr. GRAY. Yes.

Representative HAUGEN. But that does not reduce the quantities. The millers are mixing it instead of the manufacturers.

Mr. GRAY. That may be. I can not answer that.

Representative HAUGEN. What I was trying to get cleared up was about the supply. It has been alleged here by several that there is a great scarcity of feed.

Mr. GRAY. Yes, exactly, and that is a very important point, Mr. Haugen.

Representative HAUGEN. It is, yes.

Mr. GRAY. And I think that it is one of the main points in the whole thing—at least, it is a very important point.

Representative HAUGEN. The statement was made by several parties here, but no one explained it.

Mr. GRAY. I do not know how to explain it. I am perfectly frank to say that, but at the same time if it is attempted to be explained somebody else is very likely to refute it, which will mean. Where do we get? We can come in and show it to be a fact in the way that such things ought to be shown before this committee which is trying to do something in a constructive fashion.

Representative HAUGEN. It is also to be expected that when a certain thing is alleged it can be proven also.

Mr. GRAY. That is it. There were statements made yesterday, and you know how it went—statement after statement; and what can you do about it?

Representative HAUGEN. But you have no explanation as to why the shortage exists?

Mr. ABBOTT. Would you like to have that one question straightened out in your mind, Mr. Haugen? If you would, we would like the privilege of having Mr. Chapin explain it to you for that purpose.

Mr. CHAPIN. Mr. Chairman and gentlemen, in answering Mr. Haugen's question I will say that I am a manufacturer of mixed feeds, and I do not use any of the products named in this bill, so far as I know. I use simply high-grade materials, and bran is an essential part of that. I have been in this business for about 20 years, and for the past six months we have been practically unable to get any bran. It has really injured the manufacture of our feed in many ways. So I made a careful investigation, and I find that the bran is so cheap that there is a tremendous demand for it in the West, and that it does not come East. It is sold in the West. The western farmers are getting it, but the eastern farmers do not get it. The farmer in Kansas comes to the mill and says, "I am selling you my wheat at a very reasonable price, and I must have my bran back at the Government price," and he gets that cheap bran in the West, and it is not coming East.

Then, there has also been a drought in the Southwest, which is taking a large part of it. I have not seen any bran come from Kansas to Chicago in a long time. We have been compelled to cut

the percentage down to 75 per cent, and I see other manufacturers in the room who are in the same boat we are. I think that accounts for the shortage of bran.

But there is another thing that is going on right at the present time. The flour millers tell me that they can not sell their flour. Some of them have been milling and putting it into warehouses; and the farmers got the bran, and the feed dealer has it. They are at the end of their rope. They have got to sell more flour, and the public will not buy it. I have talked with prominent millers of Buffalo and Syracuse and have inquired of some little millers in New York State. Some of them said they would have to stop buying wheat from the farmers.

The CHAIRMAN. What explanation of that?

Mr. CHAPIN. Why should the baker buy flour when the price is fixed? Last year flour was scarce; this year it seems to be plentiful. A man will not buy street-car tickets nor postage stamps because the price is fixed. They do not want to stock up with it. Somebody has to carry the wheat or the flour.

Representative HAUGEN. That has been going on the whole year?

Mr. CHAPIN. I might say, for your information—

Representative HAUGEN. The Government has been commandeering flour, except a sack or two for each family.

Mr. CHAPIN. Last year we had to export flour. I am not a miller or a flour man. I do not know more about it than comes to my knowledge in trading. Last year, toward the end of the crop, wheat was all exhausted, and we went on substitutes, and during March, April, May, and June very little wheat was ground. But we have come into the fall with no wheat feeds.

Representative HAUGEN. We are trying to clear up the shortage of feed.

Mr. CHAPIN. One thing is the small grinding to the present time. There have been no accumulations from the summer. In the summer we always lay in a supply of feed—the country does—the feed dealer and farmer. There is not much demand for dairy feeds in May and June, and then is when we get our surplus for fall use. We are now in the fall and there is no surplus because this summer it was not being produced.

Representative HAUGEN. We must assume that the people are going to consume as much flour this year as last year.

Mr. CHAPIN. They will after awhile.

Representative HAUGEN. Then this scarcity is temporary?

Mr. CHAPIN. It is going to come in the winter, when we need it, and in the spring, when we do not need it, the demand for flour will come in again, and in the meantime the mills feel very badly because they can not grind enough to pay expenses. You have got to run a mill full time to make it pay. So they are going to lose money, but they are not producing bran.

The CHAIRMAN. Who else have you to speak, Mr. Abbott?

Mr. ABBOTT. Mr. Chairman, along the lines that Mr. Gray has just talked to you, in reference to the feed business, I can only add my reiteration of his statement. The problem is entirely too large for us in a limited time to attempt to cover in a comprehensive manner, and I feel satisfied that we can not do the subject justice and

can not present sufficient facts and evidence for proper consideration to your committee; and, further, we do not feel that under the circumstances and at short notice we can add anything to what has already been said.

Representative LEVER. That closes your side. Mr. Abbott?

Mr. ABBOTT. Yes.

Mr. LASATER. If it please the committee, I would like to address you for 10 or 15 minutes.

The CHAIRMAN. We will hear you for that length of time.

STATEMENT OF MR. E. C. LASATER, FALFURRIAS DAIRY CO., FALFURRIAS, TEX.—Resumed.

Mr. LASATER. Mr. Lever, I would like to revert to the question you asked several times yesterday, and that is this: You seemed to be convinced that the statement that these gentlemen had made that mixed-feed business enables the country as a whole to economize on feed and to utilize large quantities of feed that otherwise would be wasted. I think that is a mistake.

Representative LEVER. I did not state that as a fact. It was a question in my own mind.

Mr. LASATER. I would like for you to hear me just one moment on that point. You take these low-grade feeds that these gentlemen mix with feeds of good value and the only way they can enter into economic consumption is near the point of origin.

You take the oat hulls in Illinois—and I want to call your attention to the fact that Illinois has a large excess quantity of grain produced in that State and the adjoining States—and it is economic and cheap and practical to use that feed in Illinois to finish cattle rather than to ship this feed to drouth-stricken ranges in Texas. The only man who would ship and who could afford to ship would be the man who had a high-priced herd and who was willing to sacrifice a part of its value to carry it through. But to make dairy products or to make meat that can be sold on the market he can not afford to ship that stuff from Illinois to New York and Massachusetts or from Illinois to Texas.

Representative LEVER. The point I had in mind was this, Mr. Lasater: You have a very severe drouth in Texas, now have you not?

Mr. LASATER. Yes, sir.

Representative LEVER. You had one this year?

Mr. LASATER. Yes, sir.

Representative LEVER. You had a bill pending before the Committee on Agriculture of the House asking a very large appropriation for the purpose of buying feed with which to carry over the cattle of Texas. The point in my mind was whether or not you desired to ship this stuff in bulk—raw cottonseed hulls or raw alfalfa—or whether you would rather have it in this concentrated mixture?

Mr. LASATER. There are a variety of angles from which to look at that. We prefer and can only buy to good advantage where we have the roughage. You take the ranges where they are feeding to sustain life, and they would not buy any one of these mixed feeds; they would buy a maximum of roughage and just enough cottonseed meal to enable the cattle to digest the roughage. These gentlemen do not

ship their products to drouth-stricken Texas to feed beef cattle that may be suffering for lack of feed. This mixed feed is too high priced. Those ranchmen would buy rice, wheat, and oats straw, and then feed with that the minimum amount of cottonseed products. That is the economic way to pull a herd through, and that is what we have been doing where it has been possible.

I do not care to take up any more time on that, but I would like to answer any questions and give fuller information if desired. But I believe if you go into it you will find that a correct statement of facts as far as economic use of these mixed feeds is concerned.

Representative LEVER. Mr. Lasater, as I understand your testimony yesterday afternoon, you were not complaining so much about the carriage of stuff which these gentlemen ship as you were complaining about the economics of the whole situation; is that your view?

Mr. LASATER. I am complaining chiefly on being forced to buy the stuff in this shape—I speak for the dairy interests.

Representative LEVER. You do not complain of the stuff. You simply complain of their forcing you through the economics of the matter to buy this mixed feed when you ought to buy your feed cheaper?

Mr. LASATER. And then, also, much of this stuff is absolutely injurious.

Representative LEVER. What, for instance?

Mr. LASATER. Recently, within the last month, I have made an automobile trip through Pennsylvania, Massachusetts, and New York. I have seen many herds of dairy cattle. I have talked to some dairy-men and to the heads of these various organizations, and without exception they told me that they had wintered worse than they have ever had. They expressed the opinion that mixed feed is one of the causes. Dairy herds of the country are in bad shape to-day, worse than I ever saw them at this season. They told me that they had wintered poorly. I think much of the ingredients these gentlemen are putting into this feed is absolutely loading the animal with stuff it can not use.

Representative LEVER. How long since you have been to your ranch in Texas, Mr. Lasater?

Mr. LASATER. Forty-five days.

Representative LEVER. How is the cattle situation in Texas?

Mr. LASATER. Genererally, it is bad. There are spots where there is some alleviation. Luckily, I happen to be in one of the better spots. I do not mean to say my situation is good; it is not. I am in such shape that if we get winter rains I will get through, but many people can not get through.

Representative LEVER. Is there demand for Federal aid in that section?

Mr. LASATER. My community has made no request for aid. We are taking care of ourselves. But, generally speaking, something has got to be done or those areas will be abandoned. The people have gone to the end of their rope in many localities.

Representative LEVER. Your argument is that inasmuch as the cattle of the country have come through the winter worse than ever before, therefore it is due to the mixed feeds?

Mr. LASATER. I can not prove that, and I have not come in contact with a man who could prove it. But they say that is a fact, and that my observation shows them to be in worse condition at this time of the year than ever before—I am speaking of dairy cattle through these various States.

Representative LEVER. Do most of the dairymen use this mixed feed?

Mr. LASATER. I would say the bulk of them do, because it is easier to get. Some men who can buy in larger quantities, and insist on getting what they want—

Representative LEVER (interposing). Is there any class of cattle growers who are any more intelligent than the dairy cattle growers?

Mr. LASATER. No; I would say that upon the whole the dairy interests—of course, the large ranch interests of the country possibly have had better advantages and better opportunities for gathering information.

Representative LEVER. But, as an average?

Mr. LASATER. As an average, I think there is no higher intelligence on the farm than the dairy interests.

Representative LEVER. I was just wondering why they were buying those feeds.

Mr. LASATER. If you will permit us, we will show why they are buying it. Mr. Smith and Judge Ward will show that as far as New York State is concerned.

Another thing, there was a desire expressed here yesterday to find out who demanded or requested, rather, the passage of such a bill as Senator Gore has introduced. On the 27th of last month there was an organization of farmers, called the National Board of Farm Organizations, which met in Washington. I have here three resolutions which they passed. I would like to have permission to read them into the record.

Representative LEVER. Before you do that, will you give the names of that organization?

Mr. LASATER. Mr. Creasy, could you call them offhand?

Representative LEVER. Who is the president and so on?

Mr. LASATER. Mr. Barrett, Union City, Ga., is the president; Mr. W. T. Creasy is chairman of the board; and I suppose a good many of the farm organizations of the country were represented at that meeting. The American National Live Stock Association was one of those represented.

The CHAIRMAN. Mr. Creasy, do you know how many farm organizations were represented there?

Mr. CREASY. I think there were about 17 farm organizations represented. We can give you the list.

(The list referred to was subsequently furnished by Mr. Creasy and is here printed in full, as follows:—)

FARMERS' ORGANIZATIONS WHICH PARTICIPATED IN CONFERENCE HELD IN
WASHINGTON, D. C., AUGUST 27, 28, 29, 1918.

1. National Farmers' Union, representatives of 17 State farmers' unions and many local unions.
2. National Grange, representatives of seven State granges and many local granges.
3. National Dairy Union.

4. Farmers' National Congress.
5. American National Live-Stock Association.
6. Texas Cattle Raisers' Association.
7. Corn Belt Meat Producers' Association.
8. Cotton States Official Advisory Marketing Board and Association of Farmers.
9. National Milk Producers' Federation and representatives from member organizations; including United Dairy Association, Dairymen's League, Interstate Milk Producers' Association, Michigan Milk Producers' Association, Ohio Milk Producers' Association, Queen City Milk Producers' Association, Milwaukee Milk Producers' Association, Association of Dairymen of California, Oregon Dairymen's League.
10. National Conference on Marketing and Farm Credits.
11. Pennsylvania Rural Progress Association.
12. National Agricultural Organization Society.
13. American Society of Equity.
14. Equity Cooperative Exchange.
15. Farmers' Equity Union.
16. The American Devon Cattle Club.
17. Percheron Society of America.
18. American Poultry Society.
19. Cooperative Wholesale Society of America.
20. Cooperative League of America.
21. California Bean Growers' Association.
22. Wisconsin Cheese Producers' Federation.
23. Agricultural Committee of Southern Commercial Congress.
24. New York Federation of Farm Bureaus.
25. Cecilton Community Club of Maryland.
26. West Nottingham Community Club of Maryland.
27. Progressive Farmers' Club of Price, Queen Anne's County, Md.
28. Louisiana Farmers' Association.

Mr. LASATER. With your permission I will read these resolutions [reading]:

We favor the enactment of a law that will prohibit interstate shipment of any feed that does not have tag attached showing all the contents, by weight, of each sack.

Inasmuch as it is evident that there is an active effort on the part of the feed mixers and millers of the country to take the standard feeds such as bran and middlings, and by mixing them with useless and even deleterious fillers and adulterations get for them a price much in excess of the market value; therefore be it

Resolved, That we instruct the National Board of Farm Organizations, if they find this pernicious practice still in effect, to initiate a nation-wide campaign against using all mixed feeds.

Representative LEVER. Your proposition seems to be one to prohibit interstate shipment of all mixed feeds.

Mr. LASATER. Unless it can be done and conducted fairly and honestly. There are many mixed feeds that can be of great advantage to the live-stock producer and the milk producer, but as the business is handled to-day, it is a leach upon the producers of the country and not a benefit to either the producers or consumers.

Another resolution reads:

We favor such an administration and extension of power in the pure food law as shall provide that all foods, mixed feeds, and fertilizers sold in interstate commerce either in packages or in bulk shall be labeled so that the exact contents shall be known, and that adequate penalties be provided for any invasion of such regulations; and that the legislative committee of this organization be requested to urge upon Congress prompt action in this matter.

Representative HAUGEN. Now, the contention is that that has been provided for in the various State laws, the labeling of the packages?

Mr. LASATER. I did not quite catch your question.

Representative HAUGEN. The contention that that has been provided for by the State legislatures of the various States?

Mr. LASATER. We know that if any law does provide for it, it is not enforced. I have talked to various men from various States, and I find nowhere that there is any real protection so far as the users of these feeds are concerned. Some of the reasons will be given by those who follow me. I am not as well posted as these other gentlemen, who have the facts and who have made a study of the subject.

Representative HAUGEN. Certain amendments have been suggested to this bill. Have you any amendments to suggest?

Mr. LASATER. I would suggest, in order not to make two bites of a cherry, that there ought to be added to feeds, "foodstuff and fertilizers," because when you go into it that will be found necessary. I have made a study of the situation in New York State, and it will be found that the same situations obtains in respect of foods and fertilizers as does with regard to mixed feeds.

Representative HAUGEN. Speaking for the consumers, are you satisfied with the amendment as drawn?

Mr. LASATER. I would add in the same bill both "foods and fertilizers," if I was permitted to draw it. Otherwise, I think that bill will in time correct the evil as it is drawn.

Representative LEVER. I do not think you would say that when you take into consideration that this whole act expires at the conclusion of peace.

Mr. LASATER. If that is the case you would unquestionably have to have additional legislation.

Representative LEVER. Which goes to show that it is a very hostile piece of legislation. I do not know who drew it or proposed it, but whoever proposed it did not look very carefully into it.

Representative HAUGEN. It has been suggested that you cut out the enumeration in the first section, and then enact the second paragraph. Would that cover the situation?

Mr. LASATER. I haven't it well in mind, but I do not think that would cover the situation.

The CHAIRMAN. As I understand it, then, the farmers are imposed upon with worthless fertilizers?

Mr. LASATER. There is no question about it.

The CHAIRMAN. Do you think that ought to be stopped?

Mr. LASATER. I do thing it ought to be stopped. I think it is most material to the Nation that it must be stopped because we must encourage the use of fertilizers.

The CHAIRMAN. Do you not think that if the utmost yield of the farms of the country is to be had it must be by the use of the most modern and efficient farm machinery and the best fertilizers?

Mr. LASATER. I do not think there ever was a time when it was more essential that we use more fertilizers than under the present conditions of labr, because we ought to make every acre produce as much as possible. It is the only way out.

Gentlemen, I desire to use here a telegram forwarded to me from our office at Falfurrias. It says [reading]:

Quaker Oats Co. wires as follows: " Senator Gore's amendment House bill 11945 passed Senate Friday provides interstate commerce in certain grain by-products feeds which are used enormously supplementing grains such

valuable and economic feeds as Schumaker feed would be prohibited from interstate commerce. The elimination of many of the by-products affected means immense economic loss and higher values on grains and feeds for dairy cows and other live stock. This would unfavorably and seriously affect all farmers and live-stock men. Important this amendment be killed in conference with House with Representatives. Suggest you start action immediately."

FALFURRIAS JERSEY DAIRY CO.

The CHAIRMAN. Who sent that?

Mr. LASATER. The Quaker Oats Co. to the Falfurrias Jersey Dairy Co., which is the dairy end of my business.

The CHAIRMAN. Do you think that telegram states the fact as to this amendment?

Mr. LASATER. I do not think it states the fact, and they did not expect the facts to be known 2,000 miles away, probably, at this time.

The CHAIRMAN. This may explain the flood of telegrams which have been coming in.

The following letter and copy of telegram were directed by the chairman to be inserted at this point, and are here printed in full:

QUAKER OATS CO.,
Chicago, October 1, 1918.

Hon. THOS. P. GORE,

United States Senate, Washington, D. C.

SIR: In response to your request, we are handing you herewith list of those to whom we sent telegrams from our Chicago office regarding the Gore amendment to H. R. 11945.

May I say that the somewhat tardy response to your request is due to the fact that I was confined to my home for a few days directly after my arrival from Washington, and that upon my return to business I found that two of the gentlemen who had had a hand in sending out some of the telegrams were absent from the city, and it was necessary to await their return before the names of those to whom they sent wires could be ascertained?

We are inclosing herewith also copy of a telegram which was sent out, and which differs, I think, somewhat from the telegram read into the record by Mr. Lasater. This copy we are inclosing, pursuant to your further request that we send in copy of any telegram sent out differing from that addressed to Mr. Lasater.

The list follows:

E. C. Lasater, Falfurrias, Tex.

J. B. Watson, secretary Ayrshire Breeders' Association, Brandon, Vt.
Charles L. Hill, Rosendale, Wis.

E. T. Gill, Haddonfield, N. J.

Louis E. P. Merriman, Cockeysville, Md.

Hugh G. Van Pelt, Waterloo, Iowa.

Frank Hoard, Fort Atkinson, Wis.

Walter P. Bliss, Bernardsville, N. J.

H. W. Gossard, Martinsville, Ind.

Dean C. F. Curtis, Ames, Iowa.

Dr. J. A. Armstrong, East Providence, R. I.

Thomas De Witt Cuyler, Philadelphia, Pa.

Stephen Canady, Hillsboro, Ill.

John F. Irwin, Minneapolis, Minn.

F. E. Ransom Hay & Grain Co., Kansas City, Mo.

Cutter & Dickerson, Adrian, Mich.

E. L. Wellman, Grand Rapids, Mich.

Charles A. Krause Milling Co., Milwaukee, Wis.

H. C. Lockabaugh, Watonga, Okla.

E. H. Taylor, jr., Frankfort, Ky.

Frank S. Hastings, Stamford, Tex.

Day & Rothrock, Sprague, Wash.

Tulley T. J. Brooke, Peoples Street, Atlanta, Ga.

H. H. Bradley, Savannah, Ga.

John E. Talmadge, jr., Athens, Ga.

Paul Mustin, Augusta, Ga.

D. D. Adams, Macon, Ga.
 Frank D. Jackson, Tampa, Fla.
 Henry Winer, Chattanooga, Tenn.
 Walter L. Lafew, Richmond, Va.
 Wilson W. Mallory, Memphis, Tenn.
 Caughey E. Hayes, Little Rock, Ark.
 Charles A. Burthe, care of H. T. Cottam, New Orleans, La.
 W. D. Hanna, care of Hanna Distributing Co., Jackson, Miss.
 Sam Meyer, Meridian, Miss.
 W. S. Rogers, Atlanta, Ga.
 Yours, very respectfully,

JAMES MARTIN GRAY, *Counsel.*

[Copy of telegram.]

Senator Gore amendment House bill 11945, prohibiting from interstate commerce certain by-product feeds, means serious crisis for dairy and live-stock industry if accepted in conference and passed by the House. Immediate action necessary to get conference postponed to permit prominent milling and agricultural men to be heard. With present feed shortage, imperative all sources of animal nutrition be conserved and that nothing be stopped from interstate traffic; otherwise there will be a feed famine, as several million tons, possibly, of good nutritious feeds will be stopped. Will you use all influences at your command, wiring your Representatives at Washington to-day, so that they will insist that this conference be delayed until milling and agricultural men can be given hearing. To-day flour mills are largely selling their entire feed output in local territories. This amendment will stop everything of reasonable price that can be used as a substitute and will cut off supply of mixed feeds so necessary in your territory. Kindly wire your Representative at Washington to insist on postponement of conference on House bill 11945. Kindly wire me, collect, Chicago, what action you take.

MR. LASATER. I would like to read into the record a part of the letter from Mr. W. E. Skinner, Secretary of the National Dairy Council, to Mr. W. T. Creasy, who is here present [reading]:

MY DEAR MR. CREASY: I very much appreciate your sending me a copy of House bill 11945 showing the Gore amendment on dairy feeds. The way this bill reads it looks like the only fellow that would object to it would be some feed man that was trying to put over some counterfeit goods.

Gentlemen, I have bought for the dairy part of my business feeds from the Quaker Oats Co. As is well known, the dairy interests for the past four years have been fighting to live. We have no margins of profit. I would like to read some correspondence with the Quaker Oats Co. Their representative is here, and you have heard him to-day. Under date of March 30, they wrote [reading]:

Answering your letter of the 26th, would say—

THE CHAIRMAN (interposing). That is this year?

MR. LASATER. That is this year—March 30, 1918 [reading]:

that, subject to your immediate acceptance and our confirmation, we will offer you one 700-sack car of Schumacher feed at \$64.70 per ton, freight and war tax paid to Falfurrias, shipment April 15; 1 duplicate car at same price for shipment April 25.

Trusting we may have your wire acceptance of this order, we remain.

Representative LEVER. Is that read into the record to show the exorbitant price they charged?

MR. LASATER. If you will just permit me, I will run right through this and you will see why.

This is under date of March 30 [reading]:

We have yours of March 30, quoting us price of \$64.70 per ton f. o. b Falfurrias, on Schumacher feed, for shipment April 15. We have just wired you accepting offer on one car.

It seems to us as though your price was getting out of reach for us. While we have had very good results from feeding Schumacher, still we are afraid that we will have to look for something cheaper that we can substitute.

[Laughter.]

Just one moment. I am glad I got the laugh out of you, because later the laugh will be the other way. It is your only chance.

Under date of May 24 the Quaker Oats Co. wired us [reading]:

Letter received. Anxious to keep you supplied Schumacher subject wire acceptance. Will book three cars fifty-three twenty. Wire quick, so can protect.

We placed no more orders at that price, so on May 24 they offered three cars at \$53.20. We still did not do business, and they wired June 15, 1918 [reading]:

Subject quick wire acceptance and to being unsold, offer three cars Schumacher immediate shipment fifty-fifty. Wire answer.

On same date we wired the Quaker Oats Co. [reading]:

Subject to immediate acceptance, can use two cars Schumacher, immediate shipment, fifty dollars delivered here.

On June 15, same date, they wired us:

Your offer away low, but confirm two cars fifty per ton, Falfurrias, to equalize cost earlier cars.

The reason I read that is this: It shows the margin the gentlemen had. There was no difference in the character of the grain market during this time.

Mr. ABBOTT. We object to that.

Mr. LASATER. It shows it by your quotation. I make the statement that there was no material difference in grain market during this time.

Representative LEVER. Is there anything in this amendment which would give Congress the right to regulate the prices?

Mr. LASATER. No, sir.

Representative LEVER. If so, what you have read into the record is pertinent; if not, is absolutely not pertinent.

Mr. LASATER. No, sir. I would say this—

Representative LEVER (interposing). In other words, you are willing to buy this very injurious, unfair, dangerous, poisonous stuff if you can get it at your price?

Mr. LASATER. No, sir. Wait a moment. If you will take Schumacher feed, which is one of the best feeds they put out—I have never attempted to handle any low-grade feeds.

Representative LEVER. What is the purpose of reading that into the record?

Mr. LASATER. The purpose of reading that into the record was to show the way these people have of doing business. As you know, our country was pressed for feeds last spring. These gentlemen, with no material change in the grain market, pushed it up to the limit to see how long we would continue to buy. When they got up to \$64.70 we quit buying, and then they put it to \$53.20, and then \$50.70, which I do not think can be the average they make.

The CHAIRMAN. According to their claim, the price of their material had advanced in the meantime?

Mr. LASATER. There was no change in grain prices during period under consideration to justify the difference of \$14.70 per ton.

Representative LEVER. And your remedy is that because they charged you more than you think they ought to charge that you would prohibit interstate shipment?

Mr. LASATER. No, gentlemen, that is not what I claim here. I claim that this group of feed manufacturers, the American Feed Manufacturers Association, instead of being a benefit to the producers of the country are a leech upon the producing interests of the country.

Representative LEVER. You think they were a benefit when they allowed you to buy this feed at \$50 a ton?

Mr. LASATER. That was something like the market price, sir. But wait a moment. If we did not have this American Feed Manufacturers Association in control of things, it would be nothing like as difficult to buy. We would buy through brokers as we have always bought prior to this organization.

Representative LEVER. Your proposition is that they constitute a monopoly controlling this business?

Mr. LASATER. Absolutely.

Representative LEVER. Then we ought to have an amendment to cover that proposition.

Mr. LASATER. These gentlemen demanded this hearing. Senator Gore later asked me if we desired to be heard. You know the farm organizations have no such organization as the American Feed Manufacturers Association. I told him we would like to be heard. So, within the week we made the best showing we could. We have not been able to cover the continent, but we will show the efforts of these gentlemen in a near-by State that has something like 11,000,000 of the 100,000,000 of American people in the United States. When you gentlemen become familiar with their practices I think you will see somewhat of the reason that they wanted to stop this hearing at this stage of the game.

Mr. Gray. I think it was, of the Quaker Oats Co., was questioned a few moments ago in regard to the profits of the Quaker Oats Co. The letter I read is pertinent to that extent, along those lines. I have here the Standard Corporation records by the Standard Statistics Co., incorporated, 49 West Street, New York City. That shows the earned dividends of the Quaker Oats Co. for 1917 on preferred stock of 52.29 per cent, and on common stock of 52.65 per cent.

The CHAIRMAN. Is that the Quaker Oats Co.?

Mr. LASATER. That is the Quaker Oats Co. For 1916 it was 40.95 on preferred stock and 40.94 on common stock; for 1915 it was 38.12 on preferred stock and 38.54 on common stock.

When you go back to 1908 their earnings were 11.37 on preferred stock and 10.28 on the common stock.

If that is not profiteering, I do not know what would be under this situation.

The CHAIRMAN. Those are the profits of the Quaker Oats Co.?

Mr. LASATER. I gave you the authority, sir. Here it is. [Exhibiting paper to the committee.]

The CHAIRMAN. Was it the Quaker Oats Co. that sent out that telegram you read here?

Mr. LASATER. Yes; it was the Quaker Oats Co. that sent that telegram, and I read the correspondence also I had with the Quaker Oats Co.

The CHAIRMAN. Up to this time the Quaker Oats Co. have manifested a great deal of interest in the hearing. Of course they had a right to do that.

Mr. LASATER. I had understood that Mr. Chapman, who is connected with the Quaker Oats Co. and who for many years was president of this organization that is here—

The CHAIRMAN (interposing). The Feed Manufacturers' Association?

Mr. LASATER. Yes, sir—and he had been president. I believe Mr. Gray stated he had not been president.

Mr. GRAY. I did so state.

Mr. LASATER. What was his position? Would you object to so stating?

Mr. GRAY. No; of course I would not. He was the manager of the feed department of the Quaker Oats Co.

The CHAIRMAN. Mr. Lasater, did you mean what position he held with the American Feed Manufacturers' Association?

Mr. LASATER. My understanding is that he was president of that, and I think we will show that very conclusively.

The CHAIRMAN. Representative Carlin, of Virginia, has a gentleman whom he would like us to hear, and if there is no objection we will proceed to hear him.

STATEMENT OF MR. S. C. CROPLEY, MANAGER VIRGINIA FEED & MILLING CORPORATION, ALEXANDRIA, VA.

The CHAIRMAN. Please state your name, the business you are engaged in, and address.

Mr. CROPLEY. My name is S. C. Cropley, and I am manager of the Virginia Feed & Milling Corporation, millers of concentrated feeds, and our plant is situated at Alexandria, Va.

Before I proceed, gentlemen, I would like to say to the whole committee, or committee appointed by the committee, that our plant is within a few miles of the Capitol. We would be very glad to cordially invite you down there at any time that you might want to come. We will show you the raw material that we use. We will carry you through and show you exactly how it is blended. We will take you to the finished product, and we will give you, if you desire, the samples of our feeds and let them be examined by the Department of Agriculture.

We have been through the West. I have visited a great many concentrate mills. They have always cordially invited me to go through their mills. Naturally I accepted, because we all want to learn as much as we possibly can. During that time I state truthfully that I did not see any ingredients going into concentrate feeds that have been a disadvantage to the cattle.

Senator Gore, I was at the meeting yesterday morning at 10.30, where you asked the question regarding molasses. Why do we put water into flour? To be able to knead it, to keep down the dust, and to produce a bread that will not be injurious to us. It is not dust that goes into our feeds; it is the flour from alfalfa especially. When you take alfalfa and grind it as we do and as the western men do—in its natural state—it contains 14 per cent of protein. That dust contains 24 per cent. We use alfalfa flour in some of our ingredients.

While the molasses that is placed in our alfalfa feeds has no feeding value, it is made use of deliberately for the good of the cattle. It is used to bind the flour of the grain and the ground hay, and it is the most important ingredient in the feeds. It also adds to the fats. It also produces heat in the body of the cattle. Without heat we can not exist.

Regarding the proteins of wheat middlings, if you would like to have them it is possible I may be able to answer you intelligently why there is a shortage in mill feeds if you would like me to try to enlighten you to the extent of my ability.

The concentrated feeds are a balance, naturally.

The carbohydrates are necessary, which are to a certain extent sugar and starches and minerals. We endeavor to the utmost of our ability to blend those things in such a way that it will be advantageous to the feeding of that stuff. If the farmer would sell his corn to-day he would get \$66 a ton for it. He can buy our dairy feeds at \$61. He can sell his corn and buy his feeds back and he is the gainer, and he will get more, because he can not blend, I think, as well as mills which have the delicate machinery in them for blending purposes. Our mill is a quality mill, and I cordially invite you all to come down and make an examination of it.

The CHAIRMAN. You say it is true of your own mill, and I assume of the other mills you have visited, that they are conducted in a perfectly proper way?

Mr. CROPLEY. As far as I know, Senator, the mills I have visited have all turned out quality feeds. Of course, some of us use different ingredients from others.

The CHAIRMAN. You would not have any objection to the enactment of a law that would prevent mills which are not conducting their business in a perfectly proper way from going on, or requiring them to conduct their business like you conduct yours?

Mr. CROPLEY. I would like to see a Federal bill, Senator, introduced to cover the entire feeding stuffs of the United States, and I believe if this was given due consideration—and I am willing at any time to have you call on me for any service I may be able to be to you in regard to any question that you might like to ask me in regard to the feeding situation.

The CHAIRMAN. A great many States have laws now, have they not?

Mr. CROPLEY. Forty-two. You take the State of Georgia, we ship into, and South Carolina and North Carolina—we are shipping to those States our products showing analyses facts and the ingredients.

The CHAIRMAN. What did you say there?

Mr. CROPLEY. Showing the analysis facts.

The CHAIRMAN. And the ingredients?

Mr. CROPLEY. And the ingredients, but not the percentage of the ingredients. That you can not determine after it has been mixed. I was talking to Mr. Purcell, the deputy commissioner of the Commonwealth of Virginia, and he said that at the present time science had not developed so far as to determine, after feeds have been mixed, the percentage of each ingredient, and all they could find out in their determination was the protein content.

When the State of Virginia started to raise alfalfa, hay only brought about \$3 a ton. That part of the State of Virginia which

is agricultural to-day is raising considerable alfalfa hay, and more acres are being planted in it every day, and that hay is worth \$30 per ton, and why? Because the alfalfa millers have used it as a foundation.

I am perfectly willing to answer any questions.

The CHAIRMAN. Will you go ahead with different ingredients—taking a typical example of this mixed feed you turn out and state how many pounds of the different stuffs you put in it, and state what it would be worth?

Mr. CROPLEY. I have not those formulæ just in my head, but any time to-morrow I will be glad to give it to you.

The CHAIRMAN. Will you prepare that formula and attach it to your statement?

Mr. CROPLEY. I will be very glad to do so.

The CHAIRMAN. Showing the ingredients in a ton of mixed feed and what each ingredient cost per ton?

Mr. CROPLEY. Yes, sir; I will be very glad to do it.

Mr. LASATER. Do you know what your butter fat would cost on alfalfa that you pay \$34? Could you give this committee the cost of butter fats?

Mr. CROPLEY. No, sir; because we use other ingredients to produce the fat.

Mr. Chairman and gentlemen, if this amendment should be passed it will absolutely ruin our business.

The CHAIRMAN. Why would that interfere with you? What of those enumerated articles do you put into your feed?

Mr. CROPLEY. Alfalfa hay, oats, corn, molasses, bran.

The CHAIRMAN. Read that [handing copy of H. R. 19945 to the witness], and state which ones you put in and which ones you do not.

Mr. CROPLEY. Damaged feed, as Senator Reed said yesterday, contains a certain amount of feeding value.

The CHAIRMAN. And you put that in your mixture?

Mr. CROPLEY. No, sir. Screenings we do use, because there is a feeding value to screenings so far as we know.

The CHAIRMAN. You select your screenings, do you not?

Mr. CROPLEY. Yes, sir; but wheat hulls we do not use. We bought cottonseed hulls and refused to use them after we bought them.

The CHAIRMAN. Why?

Mr. CROPLEY. Because we did not think that they were good enough to produce the quality of feed that we manufactured, and we are after quality.

The CHAIRMAN. You think that so far as cottonseed hulls are concerned it would be a good idea to keep that in?

Mr. CROPLEY. No, sir; because we refused to continue to use them.

The CHAIRMAN. But does everybody else?

Mr. CROPLEY. That I can not state, because I did not examine every feed.

Representative LEVER. Some refused to use them.

Mr. CROPLEY. They are sold very largely. Peanut hulls we do not use; peanut shells we do not use; rice hulls we do not use.

The CHAIRMAN. You do not object to any of those things staying in the amendment?

Mr. CROPLEY. No, sir; we do not. But still at the same time—I do not object to them staying in the amendment.

Representative LEVER. Do they have any feed value?

Mr. CROPLEY. Yes, sir; they have a feed value.

Representative LEVER. Do you object to anybody using them?

Mr. CROPLEY. No, sir; I do not.

The CHAIRMAN. But you object to people selling them for something different from what they are?

Mr. CROPLEY. I certainly think so, if misbranded, but they have a feeding value.

Representative HAUGEN. How much? How does it compare with timothy hay or alfalfa hay?

Mr. CROPLEY. I can not just answer that. You take oat hulls and they have 50.1 digestibility.

Representative HAUGEN. How much has alfalfa?

Mr. CROPLEY. Alfalfa has about 14 per cent of protein; when it is reduced to flour it has about 24 per cent protein.

Corn products have about 50 per cent carbohydrates.

The CHAIRMAN. Do you use those?

Mr. CROPLEY. No, sir; we do not. But corncobs I do not believe are injurious, because of the carbohydrates they contain.

The CHAIRMAN. You do not regard corncobs as concentrated feed?

Mr. CROPLEY. No, sir; I do not.

Representative HAUGEN. What would you consider the value of corncobs as a feed?

Mr. CROPLEY. When you buy a barrel of corn you buy 350 pounds in the East, and that is supposed to run 5 bushels of grain. The value of that, I imagine, alone would be in the neighborhood of \$10 or \$12 a ton, although that I do not know, because I do not sell it.

Representative HAUGEN. The fact is that when you sell the corn on the cob you give away the cob?

Mr. CROPLEY. No, sir; we do not. We use it for fuel purposes.

Representative HAUGEN. When you sell it on the cob you give that many more pounds?

Mr. CROPLEY. No, sir.

Representative HAUGEN. In my section of the country it is generally 75 to 85 pounds on the cob.

Mr. CROPLEY. In the East you buy by the barrel, 350 pounds being equivalent to the barrel, and that sells about 5 bushels to the barrel.

Representative HAUGEN. And 70 pounds on the cob?

Mr. CROPLEY. I do not know; I never measured it.

Representative HAUGEN. How many pounds of shelled corn?

Mr. CROPLEY. Shelled corn runs 56 pounds to the measured bushel, and you multiply 5 by 56, which is 280, and the differential between them would be 7.

Representative HAUGEN. The value of the cob is not taken into consideration. If you sell the corn on the cob you have to give that many more pounds to make up for the weight of the cob?

Mr. CROPLEY. You see the standard in the east is 56 pounds to the bushel.

Representative HAUGEN. Of shelled corn?

Mr. CROPLEY. Yes, sir.

Representative HAUGEN. And 70 pounds in the cob?

Mr. CROPLEY. Yes, sir.

Representative HAUGEN. And on the cob 75 to 80 pounds, and in the last two years 100 pounds?

Mr. CROPLEY. On account of the moisture. Nature has provided us with moisture. The atmosphere surrounding us contains 12½ per cent of moisture, and without it we could not exist.

The CHAIRMAN. You say you burn the cobs?

Mr. CROPLEY. Yes, sir; we burn most of our cobs.

The CHAIRMAN. Why do you not mix them with the feed?

Mr. CROPLEY. The reason we do not mix them with the feed is because I do not cater to anything unless it is high-grade goods.

The CHAIRMAN. There is the point.

Mr. CROPLEY. But this is going to put me out of business.

Representative LEE. You get more money for your goods that you mix?

Mr. CROPLEY. I do not know about that.

Representative HAUGEN. Seriously considering, what would you consider the value of the corncobs as a feeder?

Mr. CROPLEY. I would have to get the chemical analyses of that to tell you. I do not know the feeding value of that outside of the carbohydrates.

Representative HAUGEN. You do not contend that cobs have any feeding value?

Mr. CROPLEY. They have some value in the carbohydrates. I probably may have the figures here. I will see if I have it. [Examining papers.] Corncobs contain one-half of 1 per cent protein, 0.3 fat, and 54.1 carbohydrates. That is a feeding value.

Representative HAUGEN. Would the feeding value be equal to the freight from one State to another?

Mr. CROPLEY. If, while I do not use them, they were used in the proper proportions and sold on that basis, showing on the tag that this ingredient contained corncobs, I think so; yes, sir.

Representative HAUGEN. It is a fact, is it not, that the Department of Agriculture, looking after the interests of 6,000,000 farmers, have overlooked the value of corncobs, and nobody has raised the question yet that they had any feed value?

Mr. CROPLEY. That is my contention, that they do contain feed value; oat hulls contain a feed value.

Representative HAUGEN. I was trying to get at the value.

Mr. CROPLEY. The only way to get at that value would be, in my judgment, to take it to the Department of Agriculture and let them decide the feed value.

The CHAIRMAN. That is what this amendment proposes to do.

Mr. CROPLEY. But if this amendment goes through, as I tell you, it is going to ruin my plant absolutely.

The CHAIRMAN. Do you not think the Secretary of Agriculture would give you permission to ship your stuff, as good as it is?

Mr. CROPLEY. The bill states that while an interstate shipment, as I understand it, has to show the percentage of the ingredients, that is a trade secret, gentlemen, and you know as a rule the courts uphold a trade secret.

The CHAIRMAN. Then that is your objection to this amendment?

Mr. CROPLEY. My objection is not that. My objection is this: That the millers of concentrated feeds in this country, in my judgment, are absolutely honorable and try to produce goods that will be economical when it is fed, to produce production in the way of eggs and milk for the human system.

The CHAIRMAN. Do you think the passage of the pure-food laws and these various feed laws was just a matter of idle exercise?

Mr. CROPLEY. No, sir; at the present time the State laws cover that thoroughly. They have their inspectors going around all the time inspecting feed and taking samples?

The CHAIRMAN. Why do they do that?

Mr. CROPLEY. Because a law was passed by the State legislatures. I would like to see this amendment changed. I would like more time and deliberation given to it. I would like a Federal law passed to cover all these things, so that we would know, as Mr. Watson said on the floor of the House some years ago when interrupted by half a dozen Members: "Mr. Speaker, do you know where I am at?" [Laughter.]

The CHAIRMAN. I believe we are going to have to ask you to conclude your statement, as we have allowed you more than five minutes.

Representative HAUGEN. Can not his time be extended?

Representative CANDLER. His time was taken up by questions asked him by members of the conference.

The CHAIRMAN. If the committee desire, we will allow him to go ahead.

Representative HAUGEN. Just one question. Would it be a hardship or any inconvenience to the manufacturers of food to label their goods to give approximately the quantity of each ingredient?

Mr. CROPLEY. Yes, sir; it would, especially at the present time when it is almost impossible to obtain labor to operate our plants even on a 50 basis.

Representative HAUGEN. Would that require any extra labor? You have to mix it anyway?

Mr. CROPLEY. Oh, yes. But, still, every little action of the hand takes up time, how much I do not know.

Representative HAUGEN. I take it you have some rule to go by as to the mixture.

Mr. CROPLEY. We probably could install machinery for that purpose; yes, sir; I do not doubt that.

Representative HAUGEN. At the present time there must be some rule for the mixture to go by?

Mr. CROPLEY. Oh, yes; we have weighing machines that every bit of the ingredients go through that are as accurate as a clock.

Representative HAUGEN. Then you know the amount that goes in?

Mr. CROPLEY. Oh, absolutely so. Of course machinery is like human nature, it is liable to fall down.

The CHAIRMAN. Do a great many States require a statement of the ingredients?

Mr. CROPLEY. Why, 42 States, I think.

The CHAIRMAN. Yet you do not do that yourself.

Mr. CROPLEY. They require it, and while each State we sell into we put a new formula for brand on the market we have to register that with the State. That is done under oath, showing the analysis, minimum protein, minimum fat, and the maximum fiber.

The CHAIRMAN. But it does not state the ingredients?

Mr. CROPLEY. It does state the ingredients, absolutely so.

Representative HAUGEN. But not the percentage?

Mr. CROPLEY. But not the percentage.

Representative HAUGEN. Then it does not amount to anything.

Mr. CROPLEY. Then it would not show up protein or its fat. To get your protein you have got to have good goods in them, otherwise it will not analyze them as we represent them to be.

The CHAIRMAN. You say you have got to have good feed to have protein?

Mr. CROPLEY. No; I say if those ingredients that were put in our mixture of feeds do not contain the necessary protein, fat, and fiber when they are blended together it would not come out in its final analysis.

The CHAIRMAN. We are very much obliged to you and also to Judge Carlin for having you come here. We will now hear Mr. White.

STATEMENT OF MR. C. R. WHITE, DEPARTMENT OF FARM AND MARKETS, ALBANY, N. Y.

Mr. WHITE. The testimony here yesterday showed that as a rule in nearly every State the members of the Manufacturers' Feed Association had complied with the law. If that is the case, when they comply with the law when enacted, I do not see why anybody should be so exercised. If those people are not willing to comply, that is up to the Federal and State authorities. The question comes up about the State of New York in regard to the production of milk. We think that we can not produce milk in New York State economically if we are to be forced to use low grade materials that we do not need. We have in the State a surplus of hay carried over from last year. I can go to a number of counties and find you baled hay in the barns. We are producing a very considerable quantity of alfalfa in some parts of the State, and it is being sold to go outside of the State in some parts to the Quartermaster's Department. We have an extremely large crop of oats and barley. We have all of that kind of material we want.

Representative LEVER. Why do you not use it?

Mr. WHITE. We do.

Representative LEVER. Why do you propose that we adopt this thing?

Mr. WHITE. We do not propose to do so, if we can avoid it. They come in the high grade feeds, and we can not get the high grade constituents without buying them.

Representative LEVER. You require this here inferior stuff to mix with your own hay and materials?

Mr. WHITE. No, sir.

Representative LEVER. Why was that?

Mr. WHITE. Because they are not offered for sale in our part of the State. The stock feeds are sold mainly by small dealers, and they can not carry the large number of constituents which should enter into a stock feed. We do not object to buying mixed feeds and prefer to use mixed feeds. A gentleman was here yesterday testifying that he has never, outside of seven or eight cars a year, bought for his herds any mixed feeds, but that he would buy mixed feeds and be willing to pay more at the present time if he could get it entirely free from objectionable material.

Representative LEVER. Do you think this amendment cures that?

Mr. WHITE. Yes, sir.

Representative LEVER. How?

Mr. WHITE. Because it shows what is in them.

Representative LEVER. Suppose they do not sell it to you.

Mr. WHITE. If they do not sell it to us, we will get along without it.

Representative LEVER. That is the trouble now, they do not sell it to you?

Mr. WHITE. Yes, sir.

Representative LEVER. Does this cure that trouble?

Mr. WHITE. If they sell mixed feeds.

Representative LEVER. Well, you say you don't want this mixed stuff sold.

Mr. WHITE. I didn't say I didn't want mixed feed. We do want mixed feed, but we want to know what is in it. We want to know the amount of ingredients in it.

Representative LEVER. I thought your proposition was somewhat like Mr. Lasater's, that the farmers there in New York had plenty of roughage.

Mr. WHITE. Yes, sir; and we say that we prefer them not to ship that stuff into this State. It is an economical loss to us, and I think I can show you—

Representative LEVER (interposing). I agree with you. But how are you going to remedy the proposition? Will this amendment do that?

Mr. WHITE. If it is prohibited from being shipped in the mixed feeds, it will be.

Representative LEVER. Your proposition is Mr. Lasater's, to prohibit the shipment of all this stuff in interstate commerce?

Mr. WHITE. In mixed feeds; yes. And another thing we wish to bring in is the economic loss in the transportation of these materials. Oat hulls contain 3.4 per cent of protein and 0.6 or 1 per cent of fat. Digestible fat protein is only 1.3, or 26 pounds to the ton. Cottonseed meal contains 37.6—I am taking this from Henry's works on Feed and Feeding—37.6 per cent of protein and 9.6 per cent of fat, or 47 per cent, 47 pounds to the hundred of digestible nutrients. Now, I want to call our attention to this fact, that it will require 36 cars of oat hulls to contain the same nutrition that is contained in one carload of cottonseed meal; that the transportation charges on a \$5 freight rate costs \$1.92 per pound for digestible nutrients, while in cottonseed meal it costs 0.53 of 1 cent a pound.

In gluten feed there are 21.3 per cent of digestible protein and 2.9 of fat, and the freight rate is 1.06 cents per pound. It would require 19 carloads of oat hulls to equal one carload of gluten feed, of feed that is claimed by some is no better than oat hulls, as wheat bran, which contains 12 per cent of digestible protein and 3 per cent of fat, or 300 pounds to the ton. Taking the cost of transportation at \$5 per ton, on that rate it would be 1.66 cents freight rate per pound. It would require 11 carloads of oat hulls to equal 1 ton of wheat bran.

We claim that it is an economic loss. It means thousands and thousands of car's are used—I am not speaking of what may be in Texas or some other drouth-stricken region where those oat hulls

may be shipped as roughage economically, but to transport them into the State of New York where we have roughage that will go down in the barnyards, and thousands of tons in the shape of good straw, enormous quantities of hay—the largest hay-producing State in the Union—with alfalfa, too, that the farmers don't want it. They have no use for it. It is simply coals to New Castle, bringing material that we already have.

Representative LEVER. Your proposition is. Mr. White, as I understand it—and you make a very fair witness and a very intelligent statement—your position is that because the buying of these mixed feeds by the farmers of New York is uneconomical, that therefore we ought to pass this legislation to prohibit the interstate shipment of mixed feeds at all.

Mr. WHITE. Containing certain ingredients.

Representative LEVER. Containing certain ingredients which in themselves are not deleterious to health or dangerous, and which in themselves contain somewhat of a feeding value?

Mr. WHITE. Yes, sir.

Representative LEVER. You would inhibit the shipment of these ingredients in interstate commerce because you have a situation in New York where your farmers with plenty of hay on hand for some reason or other prefer to buy these mixed feed. Is that your proposition?

Mr. WHITE. They do like to buy mixed feeds; yes, sir.

Representative LEVER. Now, then, to educate the farmers of New York you would prohibit the farmers of Oklahoma from selling their alfalfa meal as a mixture.

Mr. WHITE. No, sir. It was in the State of New York where this measure originated, and it was not the purpose of the State food commission to include alfalfa meal. It was not the intention that it should include hay.

Representative LEVER. Did I understand you to say that this amendment originated in New York State?

Mr. WHITE. The amendment did not, but I think some of the material did before the New York Food Commission after an investigation of some two months in which we took 115 samples of feed.

Representative LEVER. Now, just what do you mean? Your farmers in New York, you say, have plenty of hay, plenty of straw, plenty of oat chaff or whatever you call it, that you could burn it and still have plenty of it left, and you object to the shipment of these mixed feeds into New York, because you think your farmers ought to consume their own roughage in connection with these unmixed ingredients?

Mr. WHITE. We certainly do.

Representative LEVER. Is that your position?

Mr. WHITE. I think as a war measure it is exactly what ought to be done.

Representative LEVER. I think you are exactly right, and for that reason you would prohibit the farmer of Mississippi or Texas or Kansas, who has corn cobs or cottonseed hulls to sell that your farmer in New York wants—you would prohibit your farmer from buying and the Mississippi and Kansas farmer from selling it?

Mr. WHITE. No; we have no objection to his selling stuff for exactly what it is.

Representative LEVER. So you come to the Federal Government and ask the Federal Government to take a big stick and knock some ordinary common economic sense into the heads of the farmers in New York. Is that your proposition?

Mr. WHITE. No, sir; we do not.

Representative LEVER. Well, I can't get your point.

Mr. WHITE. There is no reason why products that we have in the State of New York should be shipped into the State of New York in a condition where we can't detect it.

The CHAIRMAN. Do you object to the farmer in Mississippi and Oklahoma selling anything he has got to anybody who wants to buy it, representing it as just what it is?

Mr. WHITE. No, sir.

The CHAIRMAN. Do you object to the farmer in New York or anywhere else buying anything he wants to buy from anybody on earth if he knows what he is buying?

Mr. WHITE. No, sir.

Representative LEVER. Yes; the gentleman does.

Mr. WHITE. The point right here, Mr. Lever, is that the gentlemen who oppose this measure are taking the ground and have taken it in in the State of New York before a hearing, that if the order of the State's food commission was made which compelled them to put the amount of these so-called adulterants upon their bags it would absolutely exclude their products from the market. In other words, they admitted that the farmers wouldn't buy the feed if they knew it contained these materials.

Representative LEVER. Have you got authority to do that in your State law now?

Mr. WHITE. That measure is pending. Hearings are to be held on it the 5th of October. I will say this that when the State's food commission adjourned that meeting, or deferred the action of that order it was done temporarily, awaiting what might be done here in Congress, and the statement was sent out that it was postponed indefinitely, but I think I can assure the gentleman that it was postponed very indefinitely and for very definite purposes.

The CHAIRMAN. Mr. White, if you will pardon me, I will remind you that there is an hour allotted to your side. I don't know what your arrangements are. Someone told me you were to talk 5 minutes and I think you have been talking 15. Of course you can use the whole time, so far as the committee is concerned.

Mr. WHITE. I answered the question, Senator Gore, that was all.

Representative HAUGEN. Just let me ask you one question. My understanding is that your objection is to the corncobs masquerading under false colors?

Mr. WHITE. Absolutely.

Representative HAUGEN. So that if the Secretary should find that corncobs or whatever it may be—these shells and these different things that have been enumerated here—have no value as feed, he would prohibit the use of mixing or mixing of these worthless and useless articles.

Mr. WHITE. Yes, sir. We have full confidence in the Secretary of Agriculture as being capable of determining those things as the authority.

The CHAIRMAN. Now, whom will you have next?

MR. WARD. I think we will close with a few remarks that I have been asked to make upon this matter.

Now, in behalf of these dairy and milk producers' organizations, Senators and gentlemen, I desire to say that we don't think, and we don't want any antagonism long drawn out and to exist between the feed manufacturers and the milk producers. There isn't any necessity for it. It isn't in the nature of the business as legitimately and rightfully conducted. We went along for a great many years growing milk and dairy products in the State of New York, supplying them with the foodstuffs and grain and by-products produced in the West and South, and there was no trouble. There was no mistrust and there was no wholesale frauds perpetrated upon our people who bought these products. Then came in this mixed-feed—compounded-feed—proposition. Now, I know—and I have had considerable experience with it—that 50 per cent of the men who manufacture compounded feeds manufacture a good staple article that can have its name posted on every package of it with perfect freedom and confidence. Gradually the percentage has crept up so that the other 50 per cent has got to be mistrusted. There isn't any question—and we don't complain that the Quaker Oats people sold for dairy food 300,000 tons of oat hulls. We are glad they sold them. We don't ask the Federal Government to do a thing that will prohibit their being sold in New York or anywhere else. All we ask of the Federal Government is that they be labeled "oat hulls." Now, that is all we ask, that when a farmer drives up to the feed store and the dairyman says to him, "Here is a fine brand that will produce a lot of milk, and it is made so and so," that if there is 10 pounds or 20 pounds or 30 pounds or 50 pounds of straw in that package the label shall so appear on it.

It seems that the discussion has gone along on other subjects here, something else than the real point contained in this measure. We don't care how much money the Quaker Oats people make. I want to call the attention of the committee to the fact that if this 300,000 tons of oat hulls were sold to the dairymen in this country who were producing milk at \$50 or \$60 a ton, that the consumer ultimately pays that price. And that wasn't right. Milk that the consumers use and that is necessary for them to live on should not be produced on a straw material which costs the dairymen, because of the negligence of the lawmaking power, the cost of high-value feeds.

Now, this is not a new subject. In 1913 Senator Owen introduced in this Congress the exact bill that you have got there now—Senate bill 8177. Section 5 treats of the interstate transportation of adulterated foodstuffs. Section 6 reads:

For the purposes of this act the feeding stuffs shall be deemed to be adulterated if it contains any sawdust, dirt, damaged feed, rice hulls, chaff, peanut hulls, crushed corncobs, oat hulls, oat clippings, or any foreign matter whatever.

There is the same thing. That bill died in the Senate committee. Now can it be said that it was not widely known and has not been in all these years, when the dairymen were seeking relief—can it be claimed that these things were not widely known that this was a fraudulent thing, an imposition upon not only the farmers of this

country but the dwellers and workers in the cities who have to ultimately pay the 52 per cent of the profits which the Quaker Oats got last year for selling oat hulls as high-grade food?

Representative LEVER. Mr. Ward, were there any hearings on that bill of Senator Owen's?

Mr. WARD. I don't know.

Representative LEVER. I ask that purely for information.

Mr. WARD. I don't know. I know that the Department of Agriculture year after year has pounded away on this subject. Every State department has called attention to the fraud, the continued fraud, the constant fraud practiced, not by the sale of the stuff—

Representative LEVER (interposing). Now let's see about that. Have you any document issued by the Department of Agriculture calling attention to this fraud?

Mr. WARD. I wouldn't say the department. I have a document issued—

Representative LEVER (interposing). That is what you did say, though.

Mr. WARD. I have a document issued by Dr. Brown, of the Bureau of Plant Industry—I believe he is connected with the Agricultural Department—on the use of darnall, cockrell, and wild mustard as brans in wheat screenings, in which he says:

There is evidently too little information as to the poisonous character of many of our weed seeds. Darnell and cockrell bran contain a dangerous alkaloid, which if long continued seriously injures the health of domestic animals.

Representative LEVER. When was that issued?

Mr. WARD. That was issued and published in Flour and Feed in December, 1911, volume 12 of the Congressional Library, page 32.

Representative LEVER. Mr. Ward, is this the first time that you gentlemen came down here on this proposition?

Mr. WARD. The first time I have had the pleasure of being down here. These farmers can't come down here. They haven't the capital to come. They can't come until they get an association such as these gentlemen represent. And I want to call your attention to that. The agricultural departments of the various States—in our State in particular—are largely responsible for the extent to which the fraudulent feeds have been sold to our farmers. They conceived the idea that because these mysterious hieroglyphics and brands were on the bag that in some way the State is guaranteeing that product and protecting them. Now, just the contrary is the fact. All the State does in our State—here are four volumes, published year by year, showing the amount of fraudulent feeds that were bought by the dairymen in our State two years previous. That is all our agricultural department does. The shipment of a carload or 20 carloads or 20,000 bags of a given feed comes into the State, and one sample is taken. Two years afterwards the State experiment station says that that feed that was brought in in 1915—they say in 1917—that that carload of feed or that sample of feed had 50 per cent of worthless material in it.

Representative LEVER. Don't you think you had better get a new State department of agriculture?

Mr. WARD. Now, wait a moment. There is something further than that, and we have got the best laws in the United States on that

subject. There is something further than that. Our agricultural department, as I understand it, up till the present time had this arrangement: If the feed dealer was found with inferior and unlawful material in the sample, even the feed dealer wasn't warned that the feed he was selling was oat hulls and straw instead of being a valuable food grain, but the letter fixing the penalty for the sale was, by an arrangement with this association which is represented here, instead of going to the feed dealer was sent to this association, or to the manufacturer, who paid the penalty on that one bag, and the 50,000 bags passed along. And that accounts for these numerous samples.

After one of these feeds has been convicted, notoriously convicted in the neighborhood of being fraudulent and inferior, the same feed appears 30 days afterwards under a new license number and a new name. That is the reason that these brands have crept up from 300 to 4,000. You throw them out the back door and they come in the front door under a new name, the same old stuff.

Now, the statement was made here yesterday—and I don't want it to go unchallenged—that our dairy cows and dairy industry and milk and dairy production was increasing under this diet. It is not so. The Federal census report of 1910 gave 1,500,000 dairy cows. The State enumeration of 1915 gave 1,300,000 dairy cows, a decrease of nearly 200,000. This year and last year we fed more of these feeds than ever before, and the thing is so arranged by organizations of these feed dealers, organized from the bottom up—and it is spread on the records of our courts and in the reports of our legislative bodies, the evidence which has been taken—that there is no way under the sun to-day, no practical way, that our farmers can get a carload of cottonseed meal to feed their stock.

Representative LEVER. Now, Mr. Ward, do you attribute this decrease to the selling of these mixed feeds, or what?

Mr. WARD. That is the only change in our dairy situation, the increasing consumption of these mixed feeds. This death rate is unexplained—I am not a veterinary surgeon. They can't lay their hands on the difficulty, but every year those dairies come through weaker and weaker.

Representative LEVER. Let me ask you this: Can you state to this committee here the percentage of decrease in your dairy cattle due to death and the percentage of decrease due to the fact that dairy-men are selling their dairy cattle?

Mr. WARD. No, I can't do that.

Representative LEVER. For beef purposes?

Mr. WARD. I can give you these statistics which may answer. The record of milk distributing cost shows that the average production of their patron's herds in 1902 was 270 pounds of milk per day per herd. That is, per day per herd. In 1916 this average production was 204 pounds about per day, a decrease of 18.7 per cent. Now, I don't say—I don't know about these things. I am taking the statement of Mr. Halligan, the head of the Department of Chemistry in the Louisiana Experiment Station, and the statement of Dr. Brown, of the Bureau of Plant Industry, that it is possible to mix a dairy food that injures and destroys cattle. Spoiled corn, fermented corn, under certain conditions, he says—and they say—cause death or in-

jury to the health of cattle. Rice hulls, they tell us—and Dr. Halligan states it—no southern stock raiser will let his stock have access to rice hulls because he has learned by experience that rice hulls are injurious to the animals. Yet our people buy them without being branded or without being named, day after day, and year after year. Now, is it anything that we ask here after five years since a committee of this Senate, a committee of the United States Senate, pronounced these things fraudulent and injurious—

Representative LEVER (interposing). Well, did a committee of the Senate do that very thing?

Mr. WARD. I say that when a Senator from his committee brings in a bill—

Representative LEVER (interposing). Well, did he bring in his bill? Did he bring in this bill you speak of five years ago?

Mr. WARD. He did. It was introduced into the Senate by Senator Owen, of Oklahoma, in 1911.

Representative LEVER. Yes; and there are 30,000 bills introduced every year in Congress. Was it reported from any committee?

Mr. WARD. That I can't tell you.

Representative LEVER. But you said it was reported, just a moment ago.

Mr. WARD. Well, if I did, I misspoke myself. I am not exactly precise on your terms here, because I am not familiar with them. I don't know when it is reported or when it is out. It was in the public press as having been introduced by Senator Owen.

Representative LEVER. There are lots of things introduced here, Mr. Ward, that never see the light of day.

Mr. WARD. That isn't important to us and to these men that I represent. I say this, that when the Senator has introduced that bill, and it in its terms condemned those materials as fraudulent and as an adulteration, after five years it is scarcely open to discussion that this is a new thing.

Representative LEVER. Now, let's see about this situation, and then I will have to go, because I have another engagement on another matter.

The Senate passed this proposition known as the Gore amendment, without debate, practically, without roll call, without discussion, unanimously, without a dissenting voice, yet yesterday morning three of these same Senators who presumably voted for it came here protesting vigorously against it.

The CHAIRMAN. I want to say in that connection myself—

Representative LEVER (interposing). That is the record.

The CHAIRMAN. I know it is the record, and there are in the record misleading and false telegrams sent out by the Quaker Oats Co., which were not the truth.

Representative LEVER. I don't know about that, but that shows what I am trying to get at, that you can't tell from the introduction of these things.

The CHAIRMAN. The point I am trying to make is that this telegram was sent out to mills all over the country, calculated to inspire fear and alarm on their part—well founded fear if the telegram had been true—and Senators acting upon those representations, of course, made protests against such legislation.

Representative HAUGEN. Mr. Chairman, let me see if I can get one matter cleared up here.

I understood you to say that some certain organization—you didn't name the organization—that some organization maintained funds and paid the fines of the dealers who were violating the law?

Mr. WARD. The manufacturer—this association.

Representative HAUGEN. What association?

Mr. WARD. The Feed Dealers' Association.

Representative HAUGEN. The association that is appearing here in opposition to this bill?

Mr. WARD. This is what I am informed by an agent of the Department of Agriculture, who has been many years in our department, that when John Doe, the feed dealer, is found with a sample of fraudulent food and it goes to the department and is found bad, the Department of Agriculture communicates in no way whatsoever with John Doe, the feed dealer. Instead of that he sends the letter assessing the penalty to the American Feed Dealers' Association, who transmit it to the manufacturer, who pays the penalty, and John Doe, the feed dealer, is never even informed that the feed he was selling to the farmers was bad.

Representative HAUGEN. Then the fine for violating the law is paid by the association?

Mr. WARD. Oh, yes; it is paid by the manufacturer. I don't know who pays it.

Representative HAUGEN. I can't imagine that we could have such an association in this country.

Mr. WARD. I don't know who pays it, but the check comes to the Agricultural Department.

Representative HAUGEN. If we have an association in this country that maintains a fund to pay the fines of anybody violating the law, that is quite a serious matter.

Mr. WARD. I don't know where it comes from. The check comes to the Department of Agriculture.

Mr. ABBOTT. Mr. Chairman, may I interrupt at this point?

Mr. WARD. We have a witness here who can testify as to that.

Mr. ABBOTT. We wish to refute this statement and brand it unqualifiedly a lie. I am president of the American Feed Manufacturers' Association.

The CHAIRMAN. You had better use parliamentary language, I think.

Mr. ABBOTT. I will withdraw that from the record, if you wish, and say as unqualifiedly false.

The CHAIRMAN. All right.

Mr. WARD. In answer to your question, don't misunderstand me. We don't know who pays it. The check comes to the Agricultural Department, and the feed dealer—the point I want to make—we don't care about that—that the feed dealer isn't even informed of the facts.

Representative HAUGEN. I don't care what you feel about it, what I want to get at is the facts. If the facts are—you still assert that these fines are not paid by the man who violates the law?

Mr. WARD. Absolutely; that they are paid by some association.

The CHAIRMAN. Mr. Abbott, your disclaimer relates to the Feed Manufacturers' Association?

Mr. ABBOTT. Yes, sir.

The CHAIRMAN. And you don't undertake to say that this practice is not carried on by some other organization?

Mr. ABBOTT. We have no knowledge whatsoever of other organizations' affairs.

The CHAIRMAN. Well, that is what I wanted to make clear.

Representative HAUGEN. Did you refer to this organization?

Mr. WARD. My information is from the department that the letter is transmitted, or was up until very recently, to the American Feed Dealers' Association.

Representative HAUGEN. What is your association?

Mr. ABBOTT. The American Feed Manufacturers' Association is the trade name of our association.

Representative HAUGEN. Is he referring to your association?

Mr. ABBOTT. I should judge from the character of his remarks he undoubtedly was.

Representative HAUGEN. Are the names the same?

The CHAIRMAN. There seems to be a feed dealers' association and a feed manufacturers' association.

Mr. ABBOTT. His definition of names does not seem to be the same. He, however, addressed his remarks to this association, irrespective of names.

Representative HAUGEN. I want to make that clear.

Mr. RAYMOND SMITH. Senator Gore, inasmuch as I supplied the information to Judge Ward for the statement that he is now making I will give the basis for his making that statement and where I obtained it.

The CHAIRMAN. That would be better. Is that satisfactory to you, judge?

Mr. WARD. Yes, sir.

Representative HAUGEN. Referring to this organization?

Mr. SMITH. Referring to this organization here, the American Feed Manufacturers' Association of the United States, of which L. F. Brown is secretary, located at Milwaukee, Wis.

While in the department of agriculture at Albany in 1915, after the resignation of Calvin J. Houston as commissioner of agriculture, I made an investigation of that department to ascertain conditions in that department. I had not proceeded with my investigation very far when I developed that the enforcement of law as affecting the prosecution of samples of commercial feeding stuffs that had been reported from the experiment station as below standard had not been prosecuted. Under those instructions I went into that building one night at 1 o'clock with another agent—under the instructions from the governor's office of that State—and I discovered correspondence which showed a list of samples that had been reported from the Geneva Experiment Station as far back as 1906 that had failed of prosecution, although they had been reported from the Geneva Experiment Station as being below standard.

The CHAIRMAN. You say they had not been prosecuted?

Mr. SMITH. They had not been prosecuted. I found there a letter from the bureau of dairy products, written by Mr. Burke, who is here to-day, directed to the legal bureau, calling for these statements from Mr. Jordan that his building was filled with samples which he

had received no report on from the legal bureau of the department of agriculture, and asking him whether he could destroy those or not; that they were getting short of cans. That correspondence I have.

I also discovered there a payment of money in a check from Swift & Co., which is a member of this association, and of which Mr. Ferguson was third vice president, and the letterhead which I found there with his name on it, and I checked up that list with the membership of this association and I found that a very small percentage of the samples of feed which had been reported below standard had been paid by this association, but that a large part of the violations that had come from the Geneva Experiment Station had been marked "No case," or "Discontinued." Now, that correspondence I still have, together with the official receipt and the letters from Swift & Co. to the deputy commissioner inclosing a check to him.

Now, of course I am not going to take up the time to go into the other food and entangling alliances between the packers and this association and the close alignments there, and especially with the attorneys of this association and the chamber of commerce, Mr. Butler, but I found a letter there that is not in my possession now, because it is in the hands of another party, in which Mr. Brown requested that all penalties for feed below the standard of the association be taken up with the manufacturer, and that was done. And I afterwards found in looking over one case, especially in the county in which I lived—a man whom you gentlemen present know—I asked Mr. Lefevre, for whom I knew there was a case pending, a feed dealer in the town of New Paltz, for feed which he had bought of the Metropolitan Mills, also located in our State—the majority of our mills in this association are located outside; they have another association which operates within the State—I asked him about the case. I found that a year after the case had been reported and the violation had been reported they had been allowed to come in and take out a license of \$25 and avoid a penalty of \$50. I checked that up and I found that that practice of non prosecution was very prevalent.

Now, the enforcement there is on the increase. With a few more men like Mr. White there New York will be a different State and a different department from what it has been.

There was no dispute on this point. I can not go into the question in detail; I am only stating what I discovered while in the employ of that department, for the simple reason that for a short space of time I was connected with the Federal Trade Commission, and as an examiner there under section 6 I am absolutely prohibited from disclosing anything that was discovered or the nature of any of the evidence developed while in the employ of that commission. I am stating now evidence that came in my possession and evidence which I had before I was associated with the Federal Trade Commission.

Mr. McLAUGHLIN. When you made that investigation and found that check, by whom were you employed?

Mr. SMITH. The New York State Department of Agriculture.

Mr. McLAUGHLIN. You spoke of the Department of Agriculture. I thought you meant this Federal Department.

Mr. SMITH. No; not at all.

Mr. McLAUGHLIN. How many such checks did you find?

Mr. SMITH. I found a very bad condition there. I found that licenses had been sent in—

MR. McLAUGHLIN (interposing). How many fines or how many penalties did you find had been paid by the association instead of by the offending dealer?

MR. SMITH. That is a very hard question to answer directly. There was no dispute in the department—there was no dispute by the legal adviser, Mr. Flanders, that he took up the cases of the manufacturers direct with them, and I found that they found their way into Mr. Brown's office, and that there they were in fact adjusted by him with the department.

MR. McLAUGHLIN. I was trying to have you say with some definiteness how many of these penalties were settled by checks from headquarters.

MR. SMITH. Why that would necessitate my becoming liable to prosecution under section 6 of the Federal trade act, because I did not ascertain that fact while in the department.

MR. McLAUGHLIN. While you were in the department and gained knowledge that you are free to speak about without subjecting yourself to a penalty, how many payments of that kind did you find had been made?

MR. SMITH. You mean of the checks of the deputy commissioner?

MR. McLAUGHLIN. The checks in payment of fines, or taking care of the fines or penalties, coming from some source other than the offending dealer who sold the goods.

MR. SMITH. Why, I will tell you, when it was admitted—I will answer your question briefly. When it was admitted by Mr. Flanders that he took up these cases with the manufacturer, there was really no reason—it wasn't necessary to go any further into the question as to just who paid those penalties. But I will say this, that in a number of cases that I found, especially the Ralston people, that previous to their membership in this association they were given the limit of the law, the maximum, but after they became members of this association they received friendly offices.

MR. McLAUGHLIN. What do you mean by "given the limit?"

MR. SMITH. I mean they paid the maximum penalty under the law.

MR. ABBOTT. MR. Chairman, may I ask a question?

THE CHAIRMAN. Yes.

MR. ABBOTT. Your statement a minute ago was to the effect that the American Feed Manufacturers' Association had tendered a check.

MR. SMITH. I did not say that. I said Swift & Co., a member of this association.

MR. ABBOTT. Your statement a few minutes ago, unqualifiedly made, stated that the American Feed Manufacturers' Association paid the fine of some one who was prosecuted.

MR. WARD. I think you had better refer to the minutes. The witness made no such statement.

I said Swift & Co., a member of this association, sent the check.

MR. ABBOTT. You made the statement and Mr. Smith confirmed the statement, if I may interject.

MR. WARD. No; I did not make any such statement.

MR. ABBOTT. You made the statement that the American Feed Manufacturers' Association—

MR. WARD (interposing). No, sir.

THE CHAIRMAN. He said the American Feed Dealers' Association.

Mr. ABBOTT. Will you please have the record read, Mr. Chairman?

Mr. SMITH. I know that in the case of the local people there—

Mr. ABBOTT (interposing). Will you have the record read, Mr. Chairman?

The CHAIRMAN. Find that statement of Mr. Ward's and read it.

(The reporter read the record beginning:)

Representative HAUGEN. Mr. Chairman, just let me see if I can get one matter cleared up here. I understood you to say that some certain organization—you didn't name the organization—that some organization maintained funds and paid the fines of the dealers who were violating the law, and ending with the statement of Mr. Smith.

Now, that correspondence I still have, together with the official receipt and the letters from Swift & Co. to the deputy commissioner inclosing a check to him.

Mr. ABBOTT. There is just one question, Mr. Chairman, may I ask Mr. Smith?

Mr. WARD. Now, you found that Mr. Smith was correct in his statement and that you were misquoting his evidence, and I think you ought to say something.

Mr. ABBOTT. I will beg your pardon, Judge Ward.

The CHAIRMAN. I don't think that is material.

Mr. ABBOTT. I merely confirmed—may I ask Mr. Smith one question?

Mr. SMITH. You can.

Mr. ABBOTT. Have you found one instance in which the American Feed Manufacturers' Association has paid anyone's fine?

Mr. SMITH. I have.

Mr. ABBOTT. Please state it.

Mr. SMITH. In talking with ex-Assemblyman Abraham Lefevre, of New Paltz, Ulster County, N. Y., formerly a member of the ways and means committee of the legislature of the State of New York, he told me that he had had three cases against himself personally. He said, "Of course, I don't pay any money on them, but they are down there and that makes me an offender under the law." And he said, "I don't like it and intend if I get back to the legislature another year to remedy that condition."

Now, that statement can be verified by Mr. Lefevre. I am giving you his address and the facts in relation to it. I can't see where there should be any great hullabaloo about whether you do pay them or not, because it has been a known practice that the oleo trade has done the same thing. It is a practice among these people, but the question is—

Mr. ABBOTT (interposing). Mr. Chairman, I must ask the privilege to ask Mr. Smith a question again. He didn't answer my question and I want to ask it again.

Have you, Mr. Smith, any direct evidence in the way of having seen checks or correspondence yourself that would prove the fact that the American Feed Manufacturers' Association as an organization had paid Mr. Lefevre's fine?

Mr. SMITH. Well, I would prefer that Mr. Lefevre himself substantiate that, which he has offered to do in an affidavit.

Mr. ABBOTT. You have not seen this evidence?

Mr. SMITH. I am stating here to-day my experience while in that department.

Mr. ABBOTT. Will you please answer my question?

Mr. SMITH. I prefer to rest on the answer that I made to your question, the first one you made, which I think answered it by giving you the name and address of the man, who is known to several of you men sitting out there.

Mr. ABBOTT. Mr. Lefevre is a dealer or manufacturer?

Mr. SMITH. He is a dealer in feed, located at New Paltz, Ulster County, N. Y.

Mr. ABBOTT. Is he a member of the American Feed Manufacturers' Association?

Mr. SMITH. I don't think he is. I think he is a member of this new association that you formed about—well, you held a meeting in Albany in May of this year, and he attended that meeting, of the Eastern federation.

Mr. ABBOTT. Is there any reason, Mr. Chairman, why Mr. Smith should not answer my question with the answer of either yes or no?

Mr. WARD. It is not material to the inquiry. We don't care who pays it.

The CHAIRMAN. I think this is an important point, Mr. Abbott, and I think it is important that Mr. Smith ought not to make an imputation against the American Feed Manufacturers' Association unless he is certain of his facts, and he ought to be certain that it is the association that is guilty of the conduct which he is now alleging. There ought not to be any—if it is some other organization, that ought to be made plain, because there ought not to be any reflection undeservedly cast on this or any other organization, for that matter.

I would like to say this, that according to my understanding the American Feed Dealers' Association, operating in New York, is a concern of blacklisted millers that sold feed stuffs direct to the farmers. It was under Federal prosecution and was dissolved, the same parties reorganizing under the name of the Eastern Feed Dealers' Association. It may be that that is confused with this. I don't know myself. I am only concerned that no injustice should be done the American Feed Manufacturers' Association. I have no disposition to shield them against just charges.

Mr. WARD. We don't want any confusion on the subject, and I would like to ask Mr. Abbott if there is any question but what it is common trade custom for the manufacturer who sold the feed to pay these penalties? Now, my understanding is—I may be wrong, but my understanding of the matter is that the manufacturer does stand back of his goods and pays the penalty. Isn't that a fact?

Mr. ABBOTT. You are speaking, then, of the manufacturer of the particular product in question?

Mr. WARD. I am asking for information from you who know. Isn't it a common practice for the manufacturer who makes these feeds to pay any penalty assessed against the dealer?

Mr. ABBOTT. I will answer that, Judge Ward, by saying that it might easily happen that the manufacturer as an individual might pay the fine of the dealer as far as his goods were concerned.

Don't you think it is better, Judge Ward, that the implication be not passed upon the American Feed Manufacturers' Association?

Mr. WARD. I have been very careful not to do that. I told the Congressman that I made no statement as to who paid it. Mr. Brown's letter asked that penalties be taken up with the association. Mr. Brown's letter is where it can be found. Mr. Brown is your secretary.

Mr. WARD. Mr. Brown's letter; you have it.

Mr. SMITH. I will tell you, I expect to file here with you, Senator, copies of cases, with their number, the name, the correspondence, letters from Swift & Co. to the deputy commissioner, and other facts pertaining to commercial feed in relation to the department of agriculture in New York. I will file those with the committee so that they will be open to the gentlemen on the other side.

Mr. WARD. Now, I will continue and close, Senator, if you will permit.

The CHAIRMAN. Let me say at this point, lest I forget it, Mr. Gray, I want to request that you file with your statement a list of all individuals, firms, and corporations to whom or for which the Quaker Oats Co. sent the telegram read into the record by Mr. Lasater, or any similar telegrams; and if there was any telegram substantially different, see that I have copies of those.

Mr. GRAY. We will be glad to comply with your request.

Mr. WARD. Now, the dairymen have no interest in who pays this penalty. The lawmakers may, and we don't want that section to interfere with the proposition that I wish to make in closing.

We are perfectly willing that the bill shall permit, as it does, for these gentlemen to ship bulk wheat hulls, corncobs, oat hulls, everything they can get—ground coconut shells—into the State of New York or all over the United States. All we ask is that they brand it for just what it is.

Mr. McLAUGHLIN. Some of these gentlemen have said that it is impossible for the manufacturers to put the formula on the container, the formula stating the percentage of the contents. What do you say about that?

Mr. WARD. Well, I say this, Congressman, that several States have that requirement, and in those States that law is to a greater or less extent complied with by all the manufacturers of sound dairy foods. The manufacturer of unsound dairy foods probably will not comply with that law, and therefore will not ship his unsound goods into that State, because the people won't buy them, and he would lose the freight. The man who makes a wholesome food that can stand being named by its proper title—and there are a great many of them; there are a great many of them members of this association—who make a sound, wholesome food, that they can name its contents at any spot or place, and that is the kind of food we want favored in interstate shipment, and we don't want sold in competition with that, side by side with it and for practically the same price—it will be shaded a dollar or two a ton—something that hasn't a food value approximating 25 per cent of the other article—and the farmer can't tell the difference—the average farmer—and he can't know it through the action of any State agricultural institution in our State under a year or two.

The CHAIRMAN. I have a call that requires me to leave in a very few minutes, Mr. Ward.

Mr. WARD. I will close with one more sentence. As far as the food and drug act is concerned, it is absolutely valueless in this question of compounded feeds. The decision of the United States court in the Cornc-Oat Feed Case, Federal Reporter, volume 188, page 453, took away from the compounded feeds any practical value that the

food and drugs act might have, and as Flour and Feed said, "Hereafter a good name and the right legal name for any food is the name the manufacturer puts on it if it is a dairy food."

I am very much obliged to you gentlemen. There ought not to be any contest between the farmers and you gentlemen on this subject.

The CHAIRMAN. We are very much obliged to you for your patience and for your uniform courtesy. We will now adjourn.

(The following testimony of Mr. Butler was taken during the hearings before the Senate Committee on Agriculture and Forestry, relative to the protest of the Chamber of Commerce of the United States against the report of the Federal Trade Commission concerning the meat packers of the country, but was directed by the chairman of said committee to be inserted in these hearings):

STATEMENT OF MR. RUSH C. BUTLER, CHAIRMAN FEDERAL TRADE COMMITTEE, CHAMBER OF COMMERCE OF THE UNITED STATES AND ATTORNEY FOR AMERICAN FEED MANUFACTURERS' ASSOCIATION.

The CHAIRMAN. I would like the stenographer to have these questions which I am about to ask printed in connection with the other questions on the same subject; they are a little aside from the present issue:

The American Feed Manufacturers' Association—you are their attorney and brought several suits for them in connection with the Virginia statutes, did you not?

Mr. BUTLER. Yes, sir.

The CHAIRMAN. And those suits resulted in the statute being annulled in the Supreme Court of the United States, did they not?

Mr. BUTLER. The Virginia statute was annulled by the circuit court of appeals, and the State was unable to get into the Supreme Court of the United States.

The Mississippi statute fell down before we got to the circuit court of appeals.

The CHAIRMAN. That is what I wanted to know—is it the practice of the American Feed Manufacturers' Association to challenge these State laws and have them tested out in the courts?

Mr. BUTLER. We have done that in those two instances only; and both of those suits were instituted, I think, in 1911 or 1912.

The CHAIRMAN. And you have one pending now, you say?

Mr. BUTLER. Well, we have been consulted about one.

The CHAIRMAN. What State did it relate to?

Mr. BUTLER. Texas.

The CHAIRMAN. That is all.

(The following telegrams were subsequently directed by the chairman to be inserted in the record:)

ST. LOUIS, Mo., September 11, 1918.

Hon. THOMAS P. GORE,

United States Senate, Washington, D. C.:

Your telegram received. The directors of the Merchants' Exchange feel you are correct in your position when it applies to corncobs, ground cocoa shells, ivory-nut turnings, ground cornstalks, sawdust, and dirt which have no feed value, but your amendment is too broad, especially when it applies to ground hay, screenings, chaff, or offal from any seed or grain; likewise cotton seed or oat hulls, oat clippings, etc., all of which have good feed values. Your amendment would also exclude ground alfalfa hay, which is known to be one of the best possible feeds. The passage of your amendment would mean disaster to

legitimate industries, such as flour mills, feed mills throughout the United States, and untold damage to hog, cattle, and dairy interests, particularly at this time of shortage of feeds throughout the country.

JOHN O. BALLARD,
President.

NEW YORK, N. Y., September 16, 1918.

Ed. C. LASATER,

918 Evans Building, Washington, D. C.

National Milk Producers' Association and Dairymen's League—57,000 members—favor the feeding stuffs amendment to the general agricultural bill. Almost impossible to have our representative at hearing to-morrow. Will you represent these two organizations in support of Gore amendment?

R. D. COOPER.

NEW YORK, N. Y., September 20, 1918.

Hon. T. P. GORE,

United States Senate, Washington, D. C.

At a meeting of conference New York farm organizations representing New York State grange, the Dairymen's League, New York State Federation Farm Bureaus, the following resolution was unanimously adopted: "Resolved, That the conference of New York farm organizations indorse the principle of the feed-control legislation proposed in H. R. 11945."

R. D. COOPER, Chairman.

(The following affidavits were subsequently directed by the chairman to be inserted in the record:)

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the borough of Manhattan, in said city, on Monday, the 1st day of December, in the year of our Lord 1913:

Present: Hons. Joseph F. Moss, John Fleming, George J. O'Keefe, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Swift & Co., corporation, on a charge of violation of section 42, sanitary code.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co., corporation, the above-named defendant, was convicted and fined \$250 by the court of special sessions of the city of New York on the 1st day of December, 1913.

A true extract from the minutes.

[SEAL.] JOHN P. HILLY, Clerk of Court.

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the borough of Manhattan, in said city, on Friday, the 12th day of December, in the year of our Lord 1913:

Present: Hons. Joseph F. Moss, George J. O'Keefe, John Fleming, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* a corporation called Swift & Co., on a charge of violation of section 339b, public-health law, cold storage.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that a corporation called Swift & Co., the above-named defendant, was convicted and fined \$500 by the court of special sessions of the city of New York on the 12th day of December, 1913.

A true extract from the minutes.

[SEAL.] JOHN P. HILLY, Clerk of Court.

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the Borough of Manhattan in said city, on Monday, the 15th day of December, in the year of our Lord 1913:

Present: Hons. Cornelius F. Collins, George J. O'Keefe, John Fleming, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Swift & Co., corporation, on a charge of violation of section 42, sanitary code.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co., corporation, the above-named defendant, was convicted and

fined \$300 by the court of special sessions of the city of New York on the 15th day of December, 1913.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, *Clerk of Court.*

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the Borough of Manhattan in said city, on Monday, the 15th day of December in the year of our Lord 1913:

Present: Hons. Cornelius F. Collins, George J. O'Keefe, John Fleming, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Swift & Co., corporation, on a charge of violation of section 42, sanitary code.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co., corporation, the above-named defendant, was convicted and fined \$300 by the court of special sessions of the city of New York on the 15th day of December, 1913.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, *Clerk of Court.*

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the borough of Manhattan in said city, on Monday, the 15th day of December, in the year of our Lord, 1913:

Present: Hons. Cornelius F. Collins, George J. O'Keefe, John Fleming, justices of the court of special sessions of the city of New York.

The people of the State of New York *v.* Swift & Co., corporation, on a charge of violation of section 42, sanitary code.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co., corporation, the above-named defendant was convicted and fined \$300 by the court of special sessions of the city of New York, on the 15th day of December, 1913.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, *Clerk of Court.*

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the borough of Manhattan in said city, on Monday, the 29th day of December, in the year of our Lord, 1913:

Present: Hons. James J. McInerney, Cornelius F. Collins, Lorenz Zeller, justices of the court of special sessions of the city of New York.

The people of the State of New York *v.* Swift & Co. (Inc.), on a charge of violation of section 42, sanitary code.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co. (Inc.), the above-named defendant was convicted and fined \$100 by the court of special sessions of the city of New York, on the 29th day of December, 1913.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, *Clerk of Court.*

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the borough of Manhattan in said city, on Monday, the 19th day of January, in the year of our Lord, 1914:

Present: Hons. Moses Herrman, James J. McInerney, Lorenz Zeller, justices of the court of special sessions of the city of New York.

The people of the State of New York *v.* Swift & Co., corporation, on a charge of violation of section 42, sanitary code.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co., corporation, the above-named defendant, was convicted and fined \$500 by the court of special sessions of the city of New York, on the 19th day of January, 1914.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, *Clerk of Court.*

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the borough of Manhattan in said city, on Monday, the 17th day of August, in the year of our Lord, 1914:

Present: Hons. Cornelius F. Collins, George J. O'Keefe, James J. McInerney, justices of the court of special sessions of the city of New York.

The people of the State of New York *v.* Swift & Co., corporation, on a charge of violation of section 42, sanitary code.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co., corporation, the above-named defendant, was convicted and fined \$500 by the court of special sessions of the city of New York, on the 17th day of August, 1914.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, Clerk of Court.

At a court of special sessions of the City of New York, held in the county of New York, at the building for criminal courts in the Borough of Manhattan in said city, on Monday, the 2d day of November, in the year of our Lord 1914:

Present: Hons. Isaac Franklin Russell, Joseph F. Moss, Cornelius F. Collins, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Armour & Co., corporation, on a charge of violation section 42, sanitary code.

Dated September 28, 1918.

I do certify that it appears from an examination of the records of this office that Armour & Co., corporation, the above-named defendant, was convicted and fined \$300 by the court of special sessions of the city of New York, on the 2d day of November, 1914.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, Clerk of Court.

At a court of special sessions of the City of New York, held in the county of New York, at the building for criminal courts in the Borough of Manhattan in said city, on Monday, the 11th day of January, in the year of our Lord 1915:

Present: Hons. Isaac Franklin Russell, Joseph F. Moss, Moses Herrman, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Swift & Co., on a charge of violation of section 336 of the public-health law, cold storage.

Dated September 28, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co., the above-named defendant, was convicted and fined \$500 by the court of special sessions of the city of New York on the 11th day of January, 1915.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, Clerk of Court.

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the Borough of Manhattan in said city, on Monday, the 25th day of January, in the year of our Lord, 1915:

Present: Hons. Isaac Franklin Russell, Cornelius F. Collins, Joseph F. Moss, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Swift & Co., on a charge of violation of public-health law, cold storage.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co., the above-named defendant, was convicted, and judgment suspended, by the court of special sessions of the city of New York, on the 25th day of January, 1915.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, Clerk of Court.

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the Borough of Manhattan in said city, on Monday, the 25th day of January, in the year of our Lord, 1915:

Present: Hons. Isaac Franklin Russell, Cornelius F. Collins, Joseph F. Moss, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Swift & Co., on a charge of violation of public-health law, cold storage.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co., the above-named defendant, was convicted and fined \$500 by

the court of special sessions of the city of New York, on the 25th day of January, 1915.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, *Clerk of Court.*

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the Borough of Manhattan in said city, on the 15th day of March, in the year of our Lord 1915:

Present: Hons. Frederic Kernochan, James J. McInerney, John J. Freschi, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Armour & Co., on a charge of violation of public-health law, cold storage.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Armour & Co., the above-named defendant, plead guilty and was fined \$500 by the court of special sessions of the city of New York on the 15th day of March, 1915.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, *Clerk of Court.*

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the Borough of Manhattan in said city, on Monday, the 11th day of September, in the year of our Lord 1916:

Present: Hons. Edwin L. Garvin, Frederic Kernochan, Cornelius F. Collins, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Swift & Co. (Inc.), on a charge of violation section 163, sanitary code.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co. (Inc.), the above-named defendant, was convicted and fined \$100 by the court of special sessions of the city of New York on the 11th day of September, 1916.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, *Clerk of Court.*

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the Borough of Manhattan in said city, on Monday, the 11th day of September, in the year of our Lord 1916:

Present: Hons. Edwin L. Garvin, Frederic Kernochan, Cornelius F. Collins, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Swift & Co. (Inc.), on a charge of violation of section 163, sanitary code.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co. (Inc.), the above-named defendant, pleaded guilty, and was fined \$100 by the court of special sessions of the city of New York on the 11th day of September, 1916.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, *Clerk of Court.*

At a court of special sessions of the city of New York, held in the county of New York, at the building for criminal courts in the Borough of Manhattan in said city, on Friday, the 22d of January, in the year of our Lord 1915:

Present: Hons. Arthur C. Salmon, James J. McInerney, Moses Herrman, justices of the court of special sessions of the city of New York.

The People of the State of New York *v.* Swift & Co., corporation, on a charge of violation section 42, sanitary code.

Dated September 23, 1918.

I do certify that it appears from an examination of the records of this office that Swift & Co., corporation, the above-named defendant, was convicted and fined \$500 by the court of special sessions of the city of New York on the 22d day of January, 1918.

A true extract from the minutes.

[SEAL.]

JOHN P. HILLY, *Clerk of Court.*

(Thereupon, at 5 o'clock, the Conference Committee adjourned.)

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